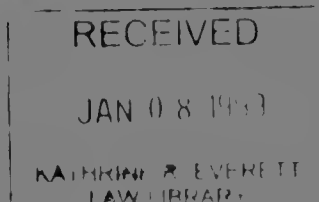


# ***NORTH CAROLINA REGISTER***



**VOLUME 13 • ISSUE 13 • Pages 1038 - 1099**

**January 4, 1999**

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Voting Rights Letters  
Administration  
Agriculture  
Environment and Natural Resources  
General Contractors, Board of  
Health and Human Services  
Psychology Board  
Public Education  
Rules Review Commission  
Contested Case Decisions

### **PUBLISHED BY**

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For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

**Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

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**Rule Review and Legal Issues**

Rules Review Commission  
1307 Glenwood Ave., Suite 159  
Raleigh, North Carolina 27605  
(919) 733-2721  
(919) 733-9415 FAX  
contact Joe DeLuca Jr., Staff Director Counsel  
Bobby Bryan, Staff Attorney

**Legislative Process Concerning Rule-making**

Joint Legislative Administrative Procedure Oversight Committee  
545 Legislative Office Building  
300 North Salisbury Street  
Raleigh, North Carolina 27611  
(919) 733-2578  
(919) 715-5460 FAX  
contact Mary Shuping, Staff Liaison marys@ms.ncga.state.nc.us

**County and Municipality Government Questions or Notification**

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215 North Dawson Street  
Raleigh, North Carolina 27603  
(919) 715-2893  
contact Jim Blackburn or Rebecca Troutman  
NC League of Municipalities  
215 North Dawson Street  
Raleigh, North Carolina 27603  
(919) 715-4000  
contact Paula Thomas

# NORTH CAROLINA REGISTER

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**January 4, 1999**

This issue contains documents officially filed  
through December 9, 1998.

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# NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

*The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.*

## TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
16	Public Education	Geologists	21
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FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS		NOTICE OF TEXT (either column A or column B)						TEMPORARY RULE
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact				B. substantial economic impact		
					end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	270 <sup>th</sup> day from issue date
12:23	06/01/98	05/08/98	08/03/98	06/16/98	07/01/98	07/20/98	01/27/99	07/31/98	08/20/98	01/27/99	02/26/99
12:24	06/15/98	05/22/98	08/14/98	06/30/98	07/15/98	07/20/98	01/27/99	08/14/98	08/20/98	01/27/99	03/12/99
13:01	07/01/98	06/10/98	09/01/98	07/16/98	07/31/98	08/20/98	01/27/99	08/31/98	09/21/98	01/27/99	03/28/99
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13:18	03/15/99	02/22/99	05/14/99	03/30/99	04/14/99	04/20/99	05/00	05/14/99	05/20/99	05/00	12/10/99

## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ul style="list-style-type: none"> <li>(1) temporary rules;</li> <li>(2) notices of rule-making proceedings;</li> <li>(3) text of proposed rules;</li> <li>(4) text of permanent rules approved by the Rules Review Commission;</li> <li>(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;</li> <li>(6) Executive Orders of the Governor;</li> <li>(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;</li> <li>(8) orders of the Tax Review Board issued under G.S. 105-241.2; and</li> <li>(9) other information the Codifier of Rules determines to be helpful to the public.</li> </ul>	<p><b>ISSUE DATE:</b> The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.</p> <p><b>LAST DAY FOR FILING:</b> The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.</p>	<p><b>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS:</b> This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p> <p><b>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT:</b> The date of the next issue following the end of the comment period.</p>	<p><b>EARLIEST DATE FOR PUBLIC HEARING:</b> The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p><b>END OF REQUIRED COMMENT PERIOD</b></p> <ul style="list-style-type: none"> <li>(1) <b>RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.</li> <li>(2) <b>RULE WITH SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</li> </ul> <p><b>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:</b> The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p>

**FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY:** This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

**COMPUTING TIME:** In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

*This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.*

U.S. Department of Justice

Civil Rights Division

EJ:VLO:DCB:cly  
DJ 166-012-3  
98-3271  
98-3594

*Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128*

November 19, 1998

Jesse L. Warren, Esq.  
City Attorney  
P.O. Box 3136  
Greensboro, NC 27402-3136

Dear Mr. Warren:

This refers to four annexations (Ordinance No. 98-135, 151, 153, and 155) and their designations to wards of the City of Greensboro in Guilford County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on September 28 and October 28, 1998.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Please be advised that it is unnecessary to provide multiple copies of documents when making a Section 5 submission.

Sincerely,

for Elizabeth Johnson  
Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

EJ:DHH:TG:par  
DJ 166-012-3  
98-3342

*Voting Section*  
*P.O. Box 66128*  
*Washington, D.C 20035-6128*

November 24, 1998

Richard J. Rose, Esq.  
Poyner & Spruill  
P.O. Box 353  
Rocky Mount, North Carolina 27802-0353

Dear Mr. Rose:

This refers to four annexations (Ordinance Nos. 0-97-69, 0-98-16, 0-98-32, and 0-98-51) and the designation of the annexed areas to districts of the City of Rocky Mount in Edgecombe and Nash Counties, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on September 30, 1998.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

for Elizabeth Johnson  
Chief, Voting Section

*A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.*

**TITLE 2 - DEPARTMENT OF AGRICULTURE**

**CHAPTER 20 - THE NORTH CAROLINA STATE FAIR**

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Department of Agriculture in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:**  
2 NCAC 20B .0104. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 106-503

**Statement of the Subject Matter:** This rule establishes fees and policies for admission to the annual State Fair. The proposed change would increase the youth admission fee from \$1 to \$2.

**Reason for Proposed Action:** To make the State Fair youth admission fee comparable to similar events, to adjust for inflation, and to provide additional revenues for increased operating expenses of the State Fair.

**Comment Procedures:** Written comments may be submitted no later than March 15, 1999, to David S. McLeod, Secretary, Board of Agriculture, PO Box 27647, Raleigh, NC 27611.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY**

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Wildlife Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:**  
15A NCAC 10F .0321, .0323, .0339. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 75A-3; 75A-15

**Statement of the Subject Matter:** No Wake Zones

**Reason for Proposed Action:** The local County Board of Commissioners in Burke and McDowell counties and the Board of Commissioners of the Town of Topsail Beach in Pender County initiated the no-wake zones pursuant to G.S. 75A-15 to protect public safety in the area by restricting vessel speed. The Wildlife Resources Commission may adopt this Rule as a Temporary Rule pursuant to S.L. 1997-0403 following this abbreviated notice.

**Comment Procedures:** The record will be open for receipt of written comments from January 4, 1999 to March 5, 1999. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

**TITLE 21 - OCCUPATIONAL LICENSING BOARDS**

**CHAPTER 12 - LICENSING BOARD FOR GENERAL CONTRACTORS**

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Licensing Board for General Contractors in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:**  
21 NCAC 12 .0504. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 87-1; 87-10

**Statement of the Subject Matter:** Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Licensing Board for General Contractors (Board) will consider adopting rules, repealing rules, or amending rules to delete the term "qualified" from the phrase "qualified independent accountant" in the increase in limitation rule.

**Reason for Proposed Action:** To delete the term "qualified" from the phrase "qualified independent accountant."

**Comment Procedures:** Written comments may be submitted

*to Mark D. Selph at the Board's office. The Board's address is  
PO Box 17187, Raleigh, NC 27619.*

*This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.*

**TITLE 10 - DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Secretary of Health and Human Services intends to adopt the rules cited as 10 NCAC 14V .7201-.7205. Notice of Rule-making Proceedings was published in the Register on September 15, 1998.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 4:00 p.m. on January 21, 1999 at the Holiday Inn-Raleigh Crabtree, 4100 Glenwood Avenue, Raleigh, NC 27612, (919) 782-8600.

**Reason for Proposed Action:** C.F.R. 42, Part 441, Subpart G addresses Choice of Provider and in order for North Carolina to comply with requirements of the Health Care Financing Administration (HCFA), it must ensure that area programs offer a choice of provider to clients who receive CAP/MR-DD services.

**Comment Procedures:** Written comments should be submitted through February 3, 1999 to Charlotte F. Hall, Rule-making Coordinator, Division of Mental Health Developmental Disabilities and Substance Abuse Services, 325 N. Salisbury Street, Albemarle Building, Suite 1156, Raleigh, NC 27603-5906.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

**CHAPTER 14 - MENTAL HEALTH: GENERAL**

**SUBCHAPTER 14V - RULES FOR MENTAL HEALTH,  
DEVELOPMENTAL DISABILITIES,  
AND SUBSTANCE ABUSE FACILITIES AND  
SERVICES**

**SECTION .7200 - CAP-MR/DD SERVICES**

**.7201 SCOPE**

The rules in this Section shall apply to any facility, which provides services to CAP-MR/DD recipients.

Authority G.S. 122C-112.

**.7202 DEFINITIONS**

In addition to the definitions contained in G.S. 122C-3 and Rule .0103 of this Subchapter, the following definitions shall also apply:

- (1) "CAP-MR/DD" means Community Alternative Program for persons with Mental Retardation and other Developmental Disabilities.
- (2) "Direct service provider" means any of the CAP-MR/DD funded services other than Case Management in which an individual is paid to conduct the service face-to-face with the recipient.

Authority G.S. 122C-112.

**.7203 DIVISION DIRECTOR RESPONSIBILITIES**

(a) The Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS) shall designate and the Division of Medical Assistance (DMA) shall approve a lead agency for CAP-MR/DD.

(b) Lead agency designation shall be limited to an area program or another public entity.

(c) Determination of lead agency status shall be based upon:

- (1) results of DMH/DD/SAS accreditation visits; or
- (2) results of DMH or DMH Medicaid audits or complaint investigations; and
- (3) implementation of the principle of separation of direct services and case management.

Authority G.S. 122C-112.

**.7204 LEAD AGENCY RESPONSIBILITIES**

The designated lead agency for CAP-MR/DD services shall:

- (1) be responsible for the administration and operation of CAP-MR/DD services in its area;
- (2) assure that the policies and procedures of CAP-MR/DD are followed; and
- (3) develop strategies to insure implementation of objective case management.

Authority G.S. 122C-112.

**.7205 AREA PROGRAM RESPONSIBILITIES**

(a) With the approval of the Division of MH/DD/SAS, if the area program is designated as lead agency, the area program may serve as direct service provider in the event one or more of the following circumstances apply:

- (1) there shall be contractual arrangements, court approved treatment plans, property ownership obligations, or other financial obligations which cannot be breached;
- (2) all reasonable efforts to attract providers to the area have failed and there are no providers available to render services; and

- (3) the recipient indicates the desire to retain the area authority as the direct service provider and the lead agency has demonstrated that the recipient was provided complete and non-biased information regarding their right to a choice of providers, all provider opportunities and options available.

(b) Prior to the provision of direct service, the area program shall submit requests to act as direct service provider to the Division of MH/DD/SAS.

- (1) The requests shall be reviewed by a panel established by the Division;  
 (2) The panel shall use the criteria set forth in Paragraph (a) of this Rule to act on these requests;  
 (3) Recommendations of the panel shall be submitted to the Division Director for approval;  
 (4) Area programs shall be notified of provider of direct service decision within 45 days of the date of request submission for panel review; and  
 (5) The Division Director may grant emergency approval to provide direct service to an area program in order to prevent disruption in service.

*Authority: G.S. 122C-112.*

## **TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Marine Fisheries Commission intends to amend the rule cited as 15A NCAC 3Q .0107. Notice of Rule-making Proceedings was published in the Register on April 15, 1997.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 7:00 p.m. on January 21, 1999 at the Archdale Building, Ground Floor Hearing Room, Raleigh, NC.

**Reason for Proposed Action:** *The Marine Fisheries Commission presently has a creel limit for shad in coastal waters and the Wildlife Resources Commission has a creel limit for shad in inland waters. The proposed rule would establish a joint rule which would place the same limit on shad in joint waters.*

**Comment Procedures:** *Comments and statements, both written and oral, may be presented at the hearing. Written comments are encouraged and may be submitted to the Marine Fisheries Commission, c/o Juanita Gaskill, PO Box 769, Morehead City, NC 28557. These written and oral comments must be received no later than February 3, 1999. Oral presentation lengths may be limited, depending on the number of people that wish to speak at the public hearing.*

**Fiscal Note:** *This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not*

*have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

## **CHAPTER 3 - MARINE FISHERIES**

### **SUBCHAPTER 3Q - LICENSES, LEASES AND FRANCHISES**

#### **SECTION .0100 - LICENSES**

#### **.0107 SPECIAL RULES, JOINT WATERS**

In order to effectively manage all fisheries resources in joint waters and in order to confer enforcement powers on both fisheries enforcement officers and wildlife enforcement officers with respect to certain rules, the Marine Fisheries Commission and the Wildlife Resources Commission deem it necessary to adopt special rules for joint waters. Such rules supersede any inconsistent rules of the Marine Fisheries Commission or the Wildlife Resources Commission that would otherwise be applicable in joint waters under the provisions of 15A NCAC 3Q .0106:

- (1) Striped bass:
  - (a) It is unlawful to possess any striped bass or striped bass hybrid taken by any means which is less than 18 inches long (total length).
  - (b) It is unlawful to possess more than three striped bass or striped bass hybrids taken by hook and line in any one day from joint waters.
  - (c) It is unlawful to engage in net fishing for striped bass or striped bass hybrids in joint waters except as authorized by duly adopted rules of the Marine Fisheries Commission.
  - (d) It is unlawful to possess striped bass or striped bass hybrids in the joint waters of Albemarle, Currituck, Roanoke, and Croatan Sounds and their tributaries, excluding the Roanoke River, except during seasons as authorized by duly adopted rules of the Marine Fisheries Commission.
  - (e) In the joint waters of the Roanoke River and its tributaries including Cashie, Middle and Eastmost Rivers, striped bass and hybrid striped bass fishing season, size limits and creel limits shall be the same as those established by duly adopted rules of the Wildlife Resources Commission for adjacent inland fishing waters.
- (2) Lake Mattamuskeet:
  - (a) It is unlawful to set or attempt to set any gill net in Lake Mattamuskeet canals designated as joint waters.
  - (b) It is unlawful to use or attempt to use any trawl net or seines in Lake Mattamuskeet canals designated as joint waters.
- (3) Cape Fear River. It is unlawful to use or attempt to use any net or net stakes within 800 feet of the dam at Lock No. 1 on the Cape Fear River.
- (4) Shad: It is unlawful to possess more than 10

American shad or hickory shad, in the aggregate, per person per day taken by hook-and-line.

*Authority G.S. 113-132; 113-134; 143B-289.52.*

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**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Coastal Resources Commission intends to adopt the rules cited as 15A NCAC 7H .2401-.2405 and amend the rules cited as 15A NCAC 7H .0309, .2101-.2102, .2105. Notice of Rule-making Proceedings was published in the Register on September 1, 1998.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 4:30 p.m. on January 28, 1999 at the Ramada Inn and Conference Center, 1701 South Virginia Dare Trail, Kill Devil Hills, NC 27948.

**Reason for Proposed Action:**

**15A NCAC 7H .0309** - This Rule is being amended to allow small scale, non-essential development that does not induce further growth in the Ocean Hazard Area, such as the construction of single family piers and small scale erosion control measures that do not interfere with natural ocean front processes.

**15A NCAC 7H .2101-.2102, .2105** - These Rules are being amended to allow the construction of offshore parallel breakwaters, made from wood, plastic lumber, or metal sheet piling for shoreline protection in conjunction with existing or created coastal wetlands.

**15A NCAC 7H .2401-.2405** - These Rules are being adopted to prevent shoreline erosion in Public Trust areas and Estuarine waters.

**Comment Procedures:** Contact Charles Jones, 151-B Highway 24, Morehead City, NC 28570, (252) 808-2808. Comments will be accepted through February 3, 1999.

**Fiscal Note:** These Rules, 15A NCAC 7H .0309, .2101-.2102, .2105, .2401-.2405, affect the expenditure or distribution of State funds subject to the Executive Budget Act, Article 1 of Chapter 143.

## **CHAPTER 7 - COASTAL MANAGEMENT**

### **SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN**

#### **SECTION .0300 - OCEAN HAZARD AREAS**

##### **.0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS**

(a) The following types of development may be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of the Subchapter if all other provisions of this Subchapter and

other state and local regulations are met:

- (1) campgrounds that do not involve substantial permanent structures;
- (2) parking areas with clay, packed sand or similar surfaces;
- (3) outdoor tennis courts;
- (4) elevated decks not exceeding a footprint of 500 square feet;
- (5) beach accessways consistent with Rule .0308(c) of this Subchapter;
- (6) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (7) uninhabitable, single-story storage sheds with a footprint of 200 square feet or less;
- (8) temporary amusement stands; and
- (9) swimming pools.

In all cases, this development shall only be permitted if it is landward of the vegetation line; involves no significant alteration or removal of primary or frontal dunes or the dune vegetation; has overwalks to protect any existing dunes; is not essential to the continued existence or use of an associated principal development; is not required to satisfy minimum requirements of local zoning, subdivision or health regulations; and meets all other non-setback requirements of this Subchapter.

(b) Where strict application of the oceanfront setback requirements of Rule .0306(a) of this Subchapter would preclude placement of permanent substantial structures on lots existing as of June 1, 1979, single family residential structures may be permitted seaward of the applicable setback line in ocean erodible areas, but not inlet hazard areas, if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance possible on the existing lot and the development is designed to minimize encroachment into the setback area;
- (2) The development is at least 60 feet landward of the vegetation line;
- (3) The development is not located on or in front of a frontal dune, but is entirely behind the landward toe of the frontal dune;
- (4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Subchapter.
  - (A) All pilings have a tip penetration that extends to at least four feet below mean sea level;
  - (B) The footprint of the structure be no more than 1,000 square feet or 10 percent of the lot size, whichever is greater.
- (5) All other provisions of this Subchapter and other state and local regulations are met. If the development is to be serviced by an on-site waste disposal system, a copy of a valid permit for such a system must be submitted as part of the CAMA permit application.

(c) Reconfiguration of lots and projects that have a grandfather status under Paragraph (b) of this Rule shall be allowed provided that the following conditions are met:

- (1) Development is setback from the first line of stable natural vegetation a distance no less than that required

by the applicable exception:

- (2) Reconfiguration will not result in an increase in the number of buildable lots within the Ocean Hazard AEC or have other adverse environmental consequences; and
- (3) Development on lots qualifying for the exception in Paragraph (b) of this Rule must meet the requirements of Paragraphs (1) through (5) of that Paragraph.

For the purposes of this Rule, an existing lot is a lot or tract of land which, as of June 1, 1979, is specifically described in a recorded plat and which cannot be enlarged by combining the lot or tract of land with a contiguous lot(s) or tract(s) of land under the same ownership. The footprint is defined as the greatest exterior dimensions of the structure, including covered stairways, when extended to ground level.

(d) The following types of water dependent development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) piers providing public access (excluding any pier house, office, or other enclosed areas); and
- (2) maintenance and replacement of existing state-owned bridges and causeways and accessways to such bridges.

(e) Where application of the oceanfront setback requirements of Rule .0306(a) of this Section would preclude replacement of a pier house associated with an existing ocean pier, replacement of the pier house shall be permitted if each of the following conditions are met:

- (1) The associated ocean pier provides public access for fishing or other recreational purposes whether on a commercial, public, or nonprofit basis;
- (2) The pier house is set back from the ocean the maximum feasible distance while maintaining existing parking and sewage treatment facilities and is designed to reduce encroachment into the setback area;
- (3) The pier house shall not be enlarged beyond its original dimensions as of January 1, 1996;
- (4) The pier house shall be rebuilt to comply with all other provisions of this Subchapter; and
- (5) If the associated pier has been destroyed or rendered unusable, replacement of the pier house shall be permitted only if the pier is also being replaced and returned to its original function.

(f) In addition to the development authorized under Rule.0309(d) of this Section, small scale, non-essential development that does not induce further growth in the Ocean Hazard Area, such as the construction of single family piers and small scale erosion control measures that do not interfere with natural ocean front processes, may be permitted on those non oceanfront portions of shoreline within a designated Ocean Hazard Area that exhibit features characteristic of Estuarine Shoreline. Such features include the presence of wetland vegetation, lower wave energy and lower erosion rates than in the adjoining Ocean Erodible Area. Such development shall be permitted under the standards set out in Rule .0208 of this Subchapter. For the purpose of this Rule, small scale is defined

as those projects which are eligible for authorization under 15A NCAC 7H.1100, .1200 and 7K .0203.

*Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a; 113A-113(b)(6)b; 113A-113(b)(6)d; 113A-124.*

## **SECTION .2100 - GENERAL PERMIT FOR CONSTRUCTION OF MARSH ENHANCEMENT BREAKWATERS FOR SHORELINE PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS**

### **.2101 PURPOSE**

This permit will allow the construction of offshore parallel breakwaters, made from wood, plastic lumber, or metal sheet piling for shoreline protection in conjunction with existing or created coastal wetlands. This permit will only be applicable where a shoreline is experiencing erosion in public trust areas and estuarine waters according to authority provided in 15A NCAC 7J .1100 and according to the following guidelines. This permit will not apply within the ocean hazard AEC, the inlet hazard AEC, or waters adjacent to these AEC's- AEC's, with the exception of those portions of shoreline within the Inlet Hazard Area AEC that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in adjoining Ocean Erodible Area.

*Authority G.S. 113A-107; 113A-118.1.*

### **.2102 APPROVAL PROCEDURES**

(a) The applicant must contact the Division of Coastal Management and ~~complete an application form requesting~~ request approval for development. The applicant shall provide information on site location, dimensions of the project area, and his name and address.

(b) The applicant must provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response will be interpreted as no objection. DCM staff will review all comments and determine, based on their relevance to the potential impacts of the proposed project, if the proposed project can be approved by a General Permit. If DCM staff finds that the comments are worthy of more in-depth review, the applicant will be notified that he must submit an application for a major development permit.

(c) No work shall begin until an on-site meeting is held with the applicant and appropriate Division of Coastal Management

representative so that the proposed breakwater alignment can be appropriately marked. Written authorization to proceed with the proposed development may be issued during this visit. Construction of the breakwater must begin within 90 days of this visit or the general authorization expires and it will be necessary to re-examine the alignment to determine if the general authorization can be reissued.

*Authority G.S. 113A-107; 113A-118.1.*

## **.2105 SPECIFIC CONDITIONS**

(a) The breakwater shall be positioned no more than 20 feet waterward of the mean high water or normal water level contour (whichever is applicable) or 20 feet waterward of the waterward edge of existing ~~emergent~~ wetlands at any point along its alignment. For narrow waterbodies (canals, creeks, etc.) the breakwater alignment shall not be positioned offshore more than one sixth (1/6) the width of the waterbody.

(b) Breakwaters authorized under this General Permit shall be allowed only in waters that average less than three feet in depth along the proposed alignment as measured from the mean high water or normal water level contour.

(c) Where Department Staff determine that insufficient ~~coastal-marsh wetland habitat~~ exists along the permittee's shoreline to provide adequate shoreline stabilization, the permittee shall be required to plant appropriate ~~coastal-marsh wetland species~~ landward of the breakwater structure as directed by Department Staff.

(d) Construction authorized by this general permit will be limited to a maximum length of 500 feet.

(e) The breakwater shall be constructed with an equal gap between each sheathing board totaling at least one inch of open area every linear foot of breakwater. The breakwater shall have at least one five foot opening at every 100 feet. The breakwater sections shall be staggered and overlap as long as the five foot separation between sections is maintained. Overlapping sections shall not overlap more than 10 feet.

(f) The height of the breakwater shall not exceed six inches above mean high water or the normal water level.

(g) Offshore breakwater sections shall be set back 15 feet from the adjoining property lines and the riparian access dividing line. The line of division of riparian access shall be established by drawing a line along the channel or deep water in front of the property, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. The set back may be waived by written agreement of the adjacent riparian owner(s) or when the two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the breakwater begins, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the Division of Coastal Management prior to initiating any construction of the breakwater.

(h) Breakwaters shall be marked at 50 foot intervals with yellow reflectors extending at least three feet above mean high water.

(i) No backfill of the breakwater or any other fill of wetlands, estuarine waters, public trust areas, or highground is authorized

by this general permit.

(j) No excavation of the shallow water bottom, any wetlands, or high ground is authorized by this general permit.

(k) The breakwater must be constructed of treated wood, plastic lumber, metal sheet piles or other suitable materials approved by Department personnel.

(l) Perpendicular sections, return walls, or sections which would enclose estuarine waters or public trust areas shall not be allowed under this permit.

(m) The permittee will maintain the breakwater in good condition and in conformance with the terms and conditions of this permit or the remaining breakwater structure shall be removed within 90 days of notification from the Division of Coastal Management.

*Authority G.S. 113A-107; 113A-118.1.*

## **SECTION .2400 - GENERAL PERMIT FOR PLACEMENT OF RIPRAP FOR WETLAND PROTECTION IN ESTUARINE AND PUBLIC TRUST WATERS**

### **.2401 PURPOSE**

This permit will allow the placement of riprap immediately adjacent to and waterward of wetlands. This permit will only be applicable where a shoreline is experiencing erosion in public trust areas and estuarine waters according to authority provided in 15A NCAC 7J .1100 and according to the following guidelines. This permit will not apply within the Ocean Hazard System of Areas of Environmental Concern (AEC) or waters adjacent to these AEC's with the exception of those portions of shoreline within the Inlet Hazard Area AEC that feature characteristics of Estuarine Shorelines. Such features include the presence of wetland vegetation, lower wave energy, and lower erosion rates than in the adjoining Ocean Erodible Area.

*Authority G.S. 113A-107; 113A-118.1.*

### **.2402 APPROVAL PROCEDURES**

(a) The applicant must contact the Division of Coastal Management and request approval for development. The applicant shall provide information on site location, dimensions of the project area, and his name and address.

(b) The applicant must provide:

- (1) confirmation that a written statement has been obtained signed by the adjacent riparian property owners indicating that they have no objections to the proposed work; or
- (2) confirmation that the adjacent riparian property owners have been notified by certified mail of the proposed work. Such notice shall instruct adjacent property owners to provide any comments on the proposed development in writing for consideration by permitting officials to the Division of Coastal Management within 10 days of receipt of the notice, and, indicate that no response will be interpreted as no objection. DCM staff will review all comments and determine, based on their relevance to the potential

impacts of the proposed project, if the proposed project can be approved by a General Permit. If DCM staff finds that the comments are worthy of more in-depth review, the applicant will be notified that he must submit an application for a major development permit.

(c) No work shall begin until an on-site meeting is held with the applicant and appropriate Division of Coastal Management representative so that the wetland protection structure can be appropriately marked. Written authorization to proceed with the proposed development may be issued during this visit. Construction of the wetland protection structure must be completed within 90 days of this visit or the general authorization expires and it will be necessary to re-examine the alignment to determine if the general authorization can be reissued.

*Authority G.S. 113A-107; 113A-118.1.*

#### **.2403 PERMIT FEE**

The applicant must pay a permit fee of fifty dollars (\$50.00). This fee may be paid by check or money order made payable to the Department.

*Authority G.S. 113A-107; 113A-118.1.*

#### **.2404 GENERAL CONDITIONS**

(a) This permit authorizes only the construction of wetland protection structures conforming to the standards herein.

(b) Individuals shall allow authorized representatives of the Department of Environment and Natural Resources (DENR) to make periodic inspections at any time deemed necessary in order to be sure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

(c) There shall be no significant interference with navigation or use of the waters by the public by the existence of the riprap structure authorized herein.

(d) This general permit will not be applicable to proposed construction when the Department determines after any necessary investigations, that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation, or recreational values.

(e) This general permit will not be applicable to proposed construction where the Department determines that authorization may be warranted, but that the proposed activity might significantly affect the quality of the human environment, or unnecessarily endanger adjoining properties. In those cases, individual permit applications and review of the proposed project will be required according to 15A NCAC 7J.

(f) This permit does not eliminate the need to obtain any other required state, local, or federal authorization.

(g) Development carried out under this permit must be consistent with all local requirements, AEC Guidelines, and local land use plans current at the time of authorization.

*Authority G.S. 113A-107; 113A-118.1.*

#### **.2405 SPECIFIC CONDITIONS**

(a) This general permit will only be applicable along shorelines possessing wetlands, and which exhibit an identifiable erosion escarpment.

(b) The height of the erosion escarpment shall not exceed three feet.

(c) The riprap shall be placed immediately waterward of the erosion escarpment.

(d) The riprap must be positioned so as not to exceed a maximum of five feet waterward of the erosion escarpment at any point along its alignment.

(e) The riprap must be positioned so as not to exceed a maximum of six inches above the elevation of the adjacent wetland substrate.

(f) Where Department staff determine that insufficient wetlands or coastal marsh exists along the permittee's shoreline to provide adequate shoreline stabilization, the permittee shall be required to plant appropriate coastal marsh or wetland species landward of the riprap structure as directed by Department staff.

(g) Construction authorized by this general permit will be limited to a maximum length of 500 feet.

(h) No backfill or any other fill of wetlands, submerged aquatic vegetation, estuarine waters, public trust areas, or highground areas is authorized by this general permit.

(i) No excavation of the shallow water bottom, any wetlands, or high ground is authorized by this general permit.

(j) The riprap must not be placed in such a manner as to impede water flow into or out of any natural channel or stream.

(k) The riprap material must be free from loose dirt or any pollutant. It must be of a size sufficient to prevent its movement from the site by wave or current action.

(l) Riprap material must consist of clean rock or masonry materials such as marl, granite or broken concrete. Materials such as tires, car bodies, scrap metal, paper products, tree limbs, wood debris, organic material or similar materials are not considered appropriate riprap for the purposes of this General Permit.

(m) If the crossing of wetlands with mechanized or non-mechanized construction equipment is necessary, temporary construction mats shall be utilized for the area(s) to be crossed. The temporary mats shall be removed immediately upon completion of construction of the riprap structure.

(n) The permittee will maintain the structure in good condition and in conformance with the terms and conditions of this permit or the remaining riprap structure shall be removed within 90 days of notification from the Division of Coastal Management.

*Authority G.S. 113A-107; 113A-118.1.*

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**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to amend the rules cited as 15A NCAC 18A .1808, .1810, .1812. Notice of Rule-making Proceedings for 15A NCAC 18A .1810 was published in the Register on June 5, 1998 and for 15A NCAC 18A .1808, .1812 was published in the Register on October 15,

1998.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 9:00 a.m. on February 2, 1999 at the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury Street, Raleigh, NC.

**Reason for Proposed Action:**

**15A NCAC 18A .1808** - seeks to reduce lighting requirements in lobbies, halls, stairs, in hotels, motels, tourist homes and other lodging establishments.

**15A NCAC 18A .1810** - This rule is necessary to broaden the temperature range requirements for hot water in lodging operations. New and existing lodging operations are currently finding it extremely difficult to meet the four degree range in temperature allowed in the rule.

**15A NCAC 18A .1812** - should reduce lighting requirements in guest rooms of hotels, motels and lodging establishments. It also eliminates the requirement for sanitizing tableware in hotel efficiencies, per the ruling of the 1997 General Assembly.

**Comment Procedures:** Please mail comments to Susan Grayson, DENR, Division of Environmental Health, PO Box 29534, Raleigh, NC 27626-0534. Comments will be accepted through February 2, 1999.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## CHAPTER 18 - ENVIRONMENTAL HEALTH

### SUBCHAPTER 18A - SANITATION

#### SECTION .1800 - SANITATION OF LODGING PLACES

##### **.1808 VENDING AREAS**

(a) ~~The lobby, halls, stairs, ice~~ ice and vending machine ~~locations, and other common areas~~ locations shall have ventilation and at least 10 foot-candles of light at 30 inches above the floor.

(b) Floors, walls, ceilings, windows and ventilation shall be kept clean and in good repair.

(c) Furniture, fixtures, draperies, and other accessories shall be clean and in good repair.

*Authority G.S. 130A-248.*

##### **.1810 WATER SUPPLY**

(a) Water supplies shall meet the requirements in 15A NCAC 18A .1700.

(b) The water supply used shall be located, constructed, maintained, and operated in accordance with the Commission for Health Services' rules governing water supplies. Copies of 15A

NCAC 18A .1700 and 15A NCAC 18C may be obtained from the Division of Environmental Health, Department of ~~Environment, Health Environment~~ and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 26711-7687. At least once a year, a sample of water shall be collected by the Department to perform bacteriological examinations. However, a water sample is not required for a lodging establishment using a community water supply regulated under 15A NCAC 18C.

(c) Cross-connections with sewage lines or unapproved water supplies or other potential sources of contamination are prohibited.

(d) Hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided at all times in guest rooms, for food preparation areas, and other areas in which water is required for cleaning.

(e) Hot water in guest rooms shall be provided at a temperature of no less than 116°F (46.7°C) and no more than 120°F 128°F (48.9°C); (53.3°C).

*Authority G.S. 130A-248.*

##### **.1812 GUESTROOMS**

(a) ~~Guestrooms and bathrooms~~ Bathrooms and laboratories shall have lighting with a minimum of 30 foot-candles of light at 30 inches above the floor. Where natural ventilation only is provided, outside openings shall be screened. Windows and glass doors shall be kept clean and in good repair. In the absence of windows, air conditioning and artificial lighting constitutes satisfactory compliance.

(b) Window coverings shall be kept clean and in good repair.

(c) Two sheets shall be provided for each bed. The lower sheet shall be folded under both ends of the mattress. The upper sheet shall be folded under the mattress at the lower end and folded over the cover for at least six inches at the top end. Bed linens, including sheets, pillow cases, blankets and bedspreads, shall be kept clean and in good repair.

(d) The floors, walls, and ceilings of bedrooms, closets, and storage areas shall be kept clean and in good repair. Furniture, fixtures, carpets and other accessories shall be kept clean and in good repair.

(e) All lodging establishments shall be kept free of roaches, flies and other pests. Guestrooms having outside openings shall be effectively screened unless air conditioned.

~~(f) If cooking and multi-use eating and drinking utensils are provided for use by guests in cooking, food preparation, utensil washing areas occupied by guests, the lodging establishment shall wash, rinse and sanitize the cooking and multi-use eating and drinking utensils prior to use by succeeding guests.~~

*Authority G.S. 130A-248.*

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## TITLE 21 - OCCUPATIONAL LICENSING BOARDS

### CHAPTER 12 - LICENSING BOARDS FOR GENERAL CONTRACTORS

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**Notice** is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Licensing Board for General Contractors intends to amend the rule cited as 21 NCAC 12 .0204. Notice of Rule-making Proceedings was published in the Register on September 15, 1998.

**Proposed Effective Date:** August 1, 2000

**Instructions on How to Demand a Public Hearing** In order to demand a public hearing, a written request for public hearing must be submitted within 15 days of this publication to Mark D. Selph at the Board's office. The Board's address is PO Box 17187, Raleigh, NC 27619.

**Reason for Proposed Action:** The Rule adopted may potentially conflict with North Carolina law and the United States Constitution.

**Comment Procedures:** Written comments may be submitted to Mark D. Selph at the Board's office. The Board's address is PO Box 17187, Raleigh, NC 27619. Comments must be received by February 3, 1999.

**Fiscal Note:** This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## SECTION .0200 - LICENSING REQUIREMENTS

### .0204 ELIGIBILITY

- (a) Limited License. The applicant for such a license must:
  - (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
  - (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least twelve thousand five hundred dollars (\$12,500.00);
  - (3) Successfully complete 70 percent of each part of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.
- (b) Intermediate License. The applicant for such a license must:
  - (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
  - (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least fifty thousand dollars (\$50,000.00) as reflected in an audited financial statement prepared by a certified public ~~accountant~~; accountant or an independent accountant who is engaged in the public practice of accountancy;

- (3) Successfully complete 70 percent of each part of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.
- (c) Unlimited License. The applicant for such a license must:
  - (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
  - (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least one hundred thousand dollars (\$100,000.00) as reflected in an audited financial statement prepared by a certified public ~~accountant~~; accountant or an independent accountant who is engaged in the public practice of accountancy;
  - (3) Successfully complete 70 percent of each part of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.
- (d) Should the financial statement submitted by the applicant fail to demonstrate the required level of working capital, the applicant shall obtain a surety bond from a surety authorized to transact surety business in North Carolina pursuant to G.S. 58 Article 7, 16, 21, or 22. The surety shall provide proof that it maintains a rating from A.M. Best, or its successor rating organization, of either Superior (A++ or A+) or Excellent (A or A-). The bond shall be continuous in form and shall be maintained in effect for as long as the applicant maintains a license to practice general contracting in North Carolina or until the applicant demonstrates the required level of working capital. The application form and subsequent annual license renewal forms shall require proof of a surety bond meeting the requirements of this Rule. The applicant shall maintain the bond in the amount of fifty thousand dollars (\$50,000.00) for a limited license, two hundred fifty thousand dollars (\$250,000.00) for an intermediate license, and five hundred thousand dollars (\$500,000.00) for an unlimited license. The bond shall be for the benefit of any person who is damaged by an act or omission of the applicant constituting breach of a construction contract or breach of a contract for the furnishing of labor, materials, or professional services to construction undertaken by the applicant, or by an unlawful act or omission of the applicant in the performance of a construction contract. The bond required by this Rule shall be in addition to and not in lieu of any other bond required of the applicant by law, regulation, or any party to a contract with the applicant. Should the surety cancel the bond, the surety and the applicant both shall notify the Board immediately in writing. If the applicant fails to provide written proof of financial responsibility in compliance with this Rule within 30 days of the bond's cancellation, then the applicant's license shall be suspended until written proof of compliance is provided. After a suspension of two years, the applicant shall fulfill all requirements of a new applicant for licensure. The practice of general contracting by an applicant whose license has been suspended pursuant to this Rule will subject the applicant to additional disciplinary action by the Board.

(e) Reciprocity. If an applicant is licensed as a general contractor in another state, the Board, in its discretion, need not require the applicant to successfully complete the written examination as provided by G.S. 87-15.1. However, the applicant must comply with all other requirements of these rules to be eligible to be licensed in North Carolina as a general contractor.

(f) Accounting and reporting standards. Working capital, balance sheet with current and fixed assets, current and long term liabilities, and other financial terminologies used herein shall be construed in accordance with those standards referred to as "generally accepted accounting principles" as promulgated by the Financial Accounting Standards Board, the American Institute of Certified Public Accountants, and, if applicable, through pronouncements of the Governmental Accounting Standards Board, or their predecessor organizations. An audited financial statement, an unqualified opinion, and other financial reporting terminologies used herein shall be construed in accordance with those standards referred to as "generally accepted auditing standards" as promulgated by the American Institute of Certified Public Accountants through pronouncements of the Auditing Standards Board.

*Authority G.S. 87-1; 87-10.*

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## CHAPTER 54 - LICENSING-BOARD OF PRACTICING PSYCHOLOGISTS

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Psychology Board intends to adopt the rules cited as 21 NCAC 54 .1611, .2104, .2801-.2807; amend the rules cited as 21 NCAC 54 .2704, .2706. Notice of Rule-making Proceedings was published in the Register on September 2, 1997.

**Proposed Effective Date:** August 1, 2000

**A Public Hearing** will be conducted at 1:30 p.m. on February 11, 1999 at the Radisson Inn, 415 Swing Road, Greensboro, North Carolina.

**Reason for Proposed Action:** To define ancillary services; to set continuing education requirements; to define academic requirements for health services provider certification; to clarify exemption for qualified members of other professional groups.

**Comment Procedures:** Any interested person may comment either orally at the public hearing or submit written comments addressed to Martha Storie, Executive Director, NC Psychology Board, 895 State Farm Road, Suite 101, Boone, NC 28607. Written comments must be received by 5:00 p.m. on February 11, 1999. Any person wishing to speak at the public hearing is requested to notify the Board in writing no later than three days prior to the hearing date of their intent to comment orally at the public hearing.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## SECTION .1600 - GENERAL PROVISIONS

### .1611 PRACTICE BY OTHER PROFESSIONALS

(a) Qualified members of other professional groups are individuals certified or licensed in North Carolina by another legislatively created occupational licensing board in the State of North Carolina, or who are recognized by such a board as qualified members of that professional group, to provide services as defined in G.S. 90-270.2(8) as the practice of psychology.

(b) Credentials or claims to credentials which do not demonstrate that individuals are qualified members of other professional groups meeting the exemption of G.S. 90-270.4(e) include the following:

- (1) exemption from another profession's licensure or certification law;
- (2) a certificate or license issued in another jurisdiction;
- (3) a certificate or license issued by a national association;
- (4) membership in a North Carolina or national organization; or
- (5) a job title.

*Authority G.S. 90-270.4(e); 90-270.9.*

## SECTION 2100 - RENEWAL

### .2104 CONTINUING EDUCATION

(a) The purpose of continuing education is to provide for the continuing professional education of all psychologists licensed by the North Carolina Psychology Board consistent with the purpose of the Board which is to protect the public from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.

(b) Compliance with this Rule shall be a condition for license renewal. This Rule shall apply to all individuals licensed by the North Carolina Psychology Board who choose to renew their licenses in North Carolina.

(c) Licensed Psychologists, holding either a provisional or permanent license, and Licensed Psychological Associates shall complete a minimum of 12 Continuing Professional Education Units (CPEUs) in each biennial renewal period as follows:

- (1) At least six CPEUs shall be in Category A activities.
- (2) All 12 CPEUs may be in Category A activities.
- (3) Not more than six CPEUs may be credited in Category B activities.
- (4) The Board may mandate specific training for all psychologists or for targeted groups of psychologists in response to changes in ethical and legal standards and to address areas of practice in which the Board determines that public protection is at risk. This training shall be consistent with and count toward meeting Category A requirements. Examples of

mandated educational programs include updates on the North Carolina Psychology Practice Act and other legal requirements, supervision requirements, and updates on the American Psychological Association's Ethics Code.

(d) Topics for Category A, Category B, and mandated educational programs shall fall within the following areas:

- (1) professional ethics and practice;
- (2) legal issues relevant to the practice of psychology;
- (3) risk management (e.g., liability, malpractice, high risk populations); or
- (4) training in the provision of Board mandated supervision.

(e) Category A requirements shall be met through attendance at formally organized courses, seminars, workshops, symposiums, and postdoctoral institutes. Programs shall be pre-approved by the Board for Category A credit. The Chair of the Board shall appoint annually a Program Review Committee which shall review programs for pre-approval for Category A credit. Program sponsors and potential program participants may submit programs to the Board for pre-approval. A program submitted to the Board shall be reviewed within three months from the date on which all information requested by the Program Review Committee is received.

Note: The North Carolina Psychological Association and Area Health Education Centers have agreed to list the Psychology Board's approval status of programs in their program advertisements.

(f) Category B requirements shall be met through attendance at colloquia, presentations of invited speakers, grand rounds, and in-house seminars; attendance at programs offered at meetings of professional or scientific organizations which are not approved for Category A credit; and participation in formally organized study groups or journal clubs.

(g) An individual licensed on or before October 1, 2000, shall attest on the license renewal application for the 2002-2004 biennial renewal period, and on each subsequent biennial renewal application, to having met the mandatory continuing education requirements specified in this Rule. An individual licensed after October 1, 2000, shall attest on the second license renewal application following licensure, and on each subsequent biennial renewal application, to having met the mandatory continuing education requirements specified in this Rule. The licensee shall be required to maintain documentation of both Category A and Category B participation consistent with this Rule for a minimum of four years from the date of renewal of the license and shall provide the documentation within 30 days after receiving written notification from the Board that the documentation is required. The Board shall randomly verify the documentation of required Continuing Professional Education Units for a percentage of licensees and shall routinely do so during the investigation of any complaints.

*Authority G.S. 90-270.9; 90-270.14(a)(2).*

## SECTION .2700 - HEALTH SERVICES PROVIDER CERTIFICATION

### .2704 HSP-P REQUIREMENTS

(a) To be certified as a health services provider psychologist (HSP-P), a licensed psychologist holding permanent North Carolina licensure shall be qualified by education as defined in Paragraph (b) of this Rule and shall have completed two years of supervised experience, of which at least one year shall be post-doctoral. These two years of experience shall meet the criteria specified in Paragraphs (c) and (d) of this Rule, or in Paragraph (e) of this Rule. An applicant shall submit a completed, notarized application form and provide documentation of meeting health services provider requirements.

(b) An applicant shall demonstrate that he/she is qualified by education to provide health services by meeting one of the following criteria:

- (1) is currently approved for listing, or is currently listed, in the National Register of Health Service Providers in Psychology;
- (2) is a diplomate in good standing of the American Board of Professional Psychology in Clinical Psychology, Counseling Psychology, or School Psychology;
- (3) is a graduate from a doctoral program which was accredited at the time of the applicant's graduation by the American Psychological Association in Clinical Psychology, Counseling Psychology, School Psychology, or Combined Professional-Scientific Psychology; or
- (4) has an academic foundation in the provision of health services as defined in Rule .2701(a) of this Section.

Section which meets the following requirements:

(A) The applicant's doctoral program, or formal postdoctoral program of re-specialization, in psychology shall be an organized training program which has established a clear intent, through the structure of the program and in institutional publications, to train individuals to provide health services in psychology as defined in G.S. 90-270.2(4) and Rule .2701(a) of this Section.

(B) Within the applicant's doctoral training program, or formal postdoctoral program of re-specialization, in health services in psychology, course work shall have been completed in the areas of assessment, diagnosis, intervention, and psychopathology. The applicant shall further establish that he or she has completed relevant course work that has provided training in diagnosis, evaluation, treatment, remediation, or prevention of one or more of the following areas:

- (i) mental, emotional, and behavioral disorder, disability, and illness;
- (ii) substance abuse;
- (iii) habit and conduct disorder; or
- (iv) psychological aspects of physical illness, accident, injury, and disability.

(C) Pursuant to final Board approval, an applicant shall be considered to have been trained in the

provision of health services in psychology if the applicant establishes that requirements set forth in Parts (b)(4)(A) and (b)(4)(B) of this Rule have been met through a doctoral program, or formal postdoctoral program of re-specialization, in any one of the following areas of specialization in psychology: applied behavior analysis in psychology, applied developmental psychology, clinical psychology, counseling psychology, rehabilitation psychology, or school psychology.

(D) An applicant who holds a doctoral degree in psychology, who applies for licensure as a Licensed Psychologist, and who holds a master's or specialist degree in psychology that provides training in the provision of health services shall not be eligible for HSP-P certification if the applicant's doctoral program, or formal postdoctoral re-specialization program, in psychology does not also provide training in the provision of health services as set forth in Parts (b)(4)(A) and (b)(4)(B) of this Rule. If the applicant has a doctoral degree in an area of psychology that does not provide training in the provision of health services, that applicant shall not be eligible for HSP-P certification even if the applicant establishes that course work in the areas listed in Part (b)(4)(B) was completed or if the applicant has completed an applied training experience (i.e., practicum, internship, residency, postdoctoral fellowship, etc.) in the provision of health services without having completed a planned and directed doctoral or formal postdoctoral training program in health services in psychology.

(E) An applicant who has completed a doctoral program that establishes in institutional publications an intent to train individuals for careers in administration, research, teaching, academia, and other areas not involving training in the provision of health services in psychology shall not be considered to have been provided an academic foundation in the provision of health services and shall not be approved for HSP-P certification.

(F) Only that course work taken at an institution of higher education as defined in G.S. 90-270.2(5) shall be considered by the Board to establish that an applicant has an academic foundation in the provision of health services.

(c) Except as provided in Paragraph (e) of this Rule, an applicant shall demonstrate one year of supervised experience which meets the following requirements for an organized health services training program:

- (1) The training shall be a planned and directed program in the provision of health services, in contrast to "on

the job" training, and shall provide the trainee with a planned, programmed sequence of training experience.

- (2) The training site shall have a written statement or brochure which describes its training program and is made available to prospective trainees.
- (3) Trainees shall be designated as "interns," fellows," or "residents," or hold other designation which clearly indicates training status.
- (4) The training shall be completed within 24 months.
- (5) The training shall consist of at least 1500 hours of practice.
- (6) At least 25% of the training shall be spent in the provision of direct health services, as defined in Rule .2701(a) of this Section, to patients or clients seeking assessment or treatment.
- (7) Up to 25% of the training may be comprised of research activities.
- (8) There shall be a minimum of two doctorally trained licensed, certified, or license eligible psychologists at the training site as supervisors who have ongoing contact with the trainee.
- (9) The training shall be under the direction of a licensed, certified, or license eligible doctorally trained psychologist who is on the staff of the training site, who approves and monitors the training, who is familiar with the training site's purposes and functions, who has ongoing contact with the trainee, and who agrees to assume responsibility for the quality, suitability, and implementation of the training experience.
- (10) The training shall provide a minimum of two hours per week of individual face-to-face discussion of the trainee's practice, with the specific intent of overseeing the health services rendered by the trainee. Supervision may be provided in part by psychiatrists, social workers, or other mental health professionals qualified by the training site, but at least 50% of supervision shall be provided by licensed, certified, or license-eligible doctorally trained psychologists.
- (11) In addition to individual supervision, the training site shall provide a minimum of two hours per week of instruction which may be met by group supervision, assigned reading, seminars, and similarly constituted organized training experiences.

This specified year of supervised experience may be obtained at a predoctoral level, provided that an additional year of supervised experience as defined in Paragraph (d) of this Rule is obtained at a post-doctoral level. Internships accepted for listing in the National Register of Health Service Providers in Psychology and internships accredited by the American Psychological Association in Clinical Psychology, Counseling Psychology, or School Psychology shall be deemed to meet the requirements in this Paragraph.

(d) An applicant shall demonstrate one year of supervised experience which meets the following requirements:

- (1) The experience shall consist of a minimum of one calendar year and include 1500 hours of supervised

experience.

- (2) The experience shall be completed within a consecutive four-year period.
- (3) The supervision shall be for the direct provision of health services in psychology, as defined in Rule .2701(a) of this Section, by the applicant to individuals or groups of clients/patients.
- (4) At least one hour per week of formal, face-to-face, individual supervision shall have been provided, except that individual supervision provided up until January 1, 1996, may have been provided in two, two-hour sessions per month.
- (5) The supervisor shall have been an appropriately licensed or certified psychologist, whose license or certificate was in good standing, in the state where the practice occurred.
- (6) The supervisor, at the time of supervision, shall not have been in a dual relationship with the supervisee, e.g., spouse, other close relative, close personal friend, or therapist.

This specified year of supervised experience may be obtained at a predoctoral level, provided that an additional year of supervised experience as defined in Paragraph (c) of this Rule is obtained at a post-doctoral level.

(e) An applicant who holds a provisional license as a Licensed Psychologist in North Carolina on the effective date of this Rule shall not be required to have had one year of supervised experience which meets the requirements of an organized health services training program as specified in Paragraph (c) of this Rule, but shall have completed two years of supervised experience, of which at least one year shall be post-doctoral, as defined in Paragraph (d) of this Rule.

(f) An applicant who documents that he/she meets any one of the following criteria shall be deemed to meet all requirements of this Rule for certification as a health services provider psychologist (HSP-P):

- (1) is currently approved for listing, or is currently listed, in the National Register of Health Service Providers in Psychology;
- (2) is a diplomate in good standing of the American Board of Professional Psychology in Clinical Psychology, Counseling Psychology, or School Psychology;
- (3) is a graduate from a doctoral program which was accredited at the time of the applicant's graduation by the American Psychological Association in Clinical Psychology, Counseling Psychology, School Psychology, or Combined Professional-Scientific Psychology and which included an internship accredited by the American Psychological Association, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule;
- (4) if applying before January 1, 2001, is a graduate from a doctoral program which was fully accredited at the time of the applicant's graduation by the American Psychological Association in School Psychology and which included an internship meeting the guidelines

of the Council of Directors of School Psychology Programs as documented by the program chair, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule; or

- (5) is a graduate who received a doctoral degree prior to 1979 from a program which included course work which demonstrates an academic foundation in the provision of health services as defined in Rule .2701(a) of this Section, and which included the equivalent of a one year supervised internship in an American Psychological Association accredited program providing health services, in a Veterans Administration setting providing health services, or at a site providing health services which was specifically acceptable to the applicant's doctoral training program, and who completes a postdoctoral year of supervised experience as defined in either Paragraph (c) or (d) of this Rule; or
- (6) is approved for licensure under senior psychologist requirements specified in 21 NCAC 54 .1707 and demonstrates that at least 25% of his/her qualifying practice has been in the provision of direct health services, as defined in Rule .2701(a) of this Section.

(g) An applicant applying under Subparagraph (f)(1) of this Rule, and who has not yet been approved for listing in the National Register of Health Service Providers in Psychology, shall be permitted to file an affidavit verifying that he/she qualifies for listing in the Register. Upon receipt of this affidavit, the Board may issue a health services provider certificate, conditioned upon receipt of a letter from the Register within 60 days of receipt of the affidavit which confirms approval for, or listing in, the Register. An extension of the 60 days may be granted upon showing that additional time is needed for application review by the National Register of Health Service Providers.

(h) An applicant for health services provider certification who knowingly provides false or fraudulent information to the Board with respect to his/her application, or who fails to provide the notification from the National Register of Health Service Providers in Psychology where required, shall be subject to disciplinary action by the Board, including revocation of licensure and the health services provider certificate.

*Authority: G.S. 90-270.9; 90-270.15(a)(3); 90-270.15(a)(22); 90-270.20(b).*

#### **.2706 HSP-PA REQUIREMENTS**

(a) To be certified as a health services provider psychologist psychological associate (HSP-PA), a North Carolina licensed psychological associate shall be qualified by education. An applicant shall submit a completed, notarized application form and provide documentation of meeting health services provider requirements.

(b) An applicant shall demonstrate that he/she holds a master's, specialist, or doctoral degree which provides an academic foundation in the provision of health services as defined in Rule .2701(a) of this ~~Section~~ Section and which

meets the following requirements:

- (1) The master's, specialist, or doctoral program in psychology shall be an organized training program which has established a clear intent, through the structure of the program and in institutional publications, to train individuals to provide health services in psychology as defined in G.S. 90-270.2(4) and Rule .2701(a) of this Section.
- (2) Within the applicant's training program in health services in psychology, course work shall have been completed in the areas of assessment, diagnosis, intervention, and psychopathology. The applicant shall further establish that he or she has completed relevant course work that has provided training in diagnosis, evaluation, treatment, remediation, or prevention of one or more of the following areas:
  - (A) mental, emotional, and behavioral disorder, disability, and illness;
  - (B) substance abuse;
  - (C) habit and conduct disorder; or
  - (D) psychological aspects of physical illness, accident, injury, and disability.
- (3) Pursuant to final Board approval, an applicant shall be considered to have been trained in the provision of health services in psychology if the applicant establishes that requirements set forth in Subparagraphs (b)(1) and (b)(2) of this Rule have been met through a master's, specialist, or doctoral degree program in psychology in any one of the following areas of specialization in psychology: applied behavior analysis in psychology, applied developmental psychology, clinical psychology, counseling psychology, rehabilitation psychology, or school psychology.
- (4) If the applicant cannot establish that he or she has a master's, specialist, or doctoral degree in an area of psychology that provides training in the provision of health services, the applicant shall not be eligible for HSP-PA certification. This shall apply even if the applicant establishes that course work in the areas listed in Subparagraph (b)(2) of this Rule was completed or if the applicant has completed an applied training experience (i.e., practicum, internship, residency, postdoctoral fellowship, etc.) in the provision of health services without having completed a planned and directed training program in health services in psychology.
- (5) An applicant who has completed a program in psychology that establishes in institutional publications an intent to train individuals for careers in administration, research, teaching, academia, and other areas not involving training in the provision of health services in psychology shall not be considered to have been provided an academic foundation in the provision of health services and shall not be approved for HSP-PA certification.
- (6) Only course work taken at an institution of higher education as defined in G.S. 90-270.2(5) shall be

considered by the Board to establish that an applicant has an academic foundation in the provision of health services.

- (7) Psychological Associates who receive their degrees during or after 1997 shall document that their degree program included an internship, externship, or practicum at a site providing health services which meets all the following criteria:
  - (+) (A) The internship, externship, or practicum shall have been in a planned and directed program of training in health services, in contrast to on-the-job training, and shall have provided the trainee with a planned and directed sequence of training integrated with the educational program in which the individual was enrolled.
  - (-) (B) The internship, externship, or practicum site shall have had a clearly designated and appropriately licensed psychologist who was responsible for the integrity and quality of the training program.
  - (-) (C) Typically, the internship, externship, or practicum shall have been comprised of the equivalent of at least one semester's training and shall have been a minimum of 12 weeks and 200 hours of supervised training.
  - (+) (D) The internship, externship, or practicum shall have had a written program description detailing its functioning and shall have been approved by the applicant's training program prior to its occurrence.
  - (-) (E) The internship, externship, or practicum shall have provided a minimum of one hour per week of individual face-to-face, regularly scheduled supervision with the specific intent of overseeing the health services rendered by the trainee.
  - (-) (F) At least 50% of the training shall have been spent in the provision of direct health services to patients or clients seeking assessment of treatment, and shall have been comprised of a range of assessment and treatment interventions.
  - (-) (G) Supervision may have been provided in part by psychiatrists, social workers, or other mental health professionals qualified by the training site, but at least 50% of supervision shall have been provided by an appropriately licensed or certified psychologist or psychological associate, or other psychologist who is exempt from licensure under the North Carolina Psychology Practice Act.
  - (-) (H) Persons enrolled in the internship, externship or practicum shall have been designated as "interns," "externs," or "practicum students" or hold other designation which clearly indicated training status.
- (c) An applicant who is approved for licensure as a Psychological Associate under senior psychologist requirements

specified in 21 NCAC 54 .1707 and demonstrates that at least 25% of his/her qualifying practice has been in the provision of direct health services, as defined in Rule .2701(a) of this Section, shall be deemed to meet all requirements of this Rule for certification as a health services provider psychological associate (HSP-PA).

*Authority G.S. 90-270.9; 90-270.13(c); 90-270.20(c).*

## SECTION .2800 - ANCILLARY SERVICES

### .2801 SCOPE

Licensed psychologists (provisional and permanent), licensed psychological associates, temporary licensees, or qualified applicants for licensure may employ or supervise unlicensed individuals to provide clerical and administrative services to assist in the provision of psychological services to clients, patients, and their families. The psychologist shall retain full professional responsibility for the quality of the services rendered and for the effects of the services upon the client, patient, or other individuals. This responsibility for the quality of services and for the welfare of the client or patient shall be no different than if the psychologist had provided the services in person. The psychologist shall be the provider of psychological services and shall have face-to-face contact with all patients, clients, or other recipients of services who are provided ancillary services by unlicensed persons as part of the psychologist's services.

*Authority G.S. 90-270.9; 90-270.21.*

### .2802 TITLES

Titles of individuals providing ancillary services shall not indicate either than these individuals are licensed or trained in psychology or that the individuals are providing services defined as the practice of psychology in G.S. 90-270.2(8). Unlicensed individuals shall not use any title incorporating the words "associate," "clinical," "counseling," "diagnostic," "examiner," "psychologic," "psychological," "psychologist," "psychology," or derivatives of such. Examples of titles that unlicensed individuals may use include "aide," "assessment," "assistant," "behavioral," "evaluation," "testing," "technician," or derivatives of these titles.

*Authority G.S. 90-270.9; 90-270.21.*

### .2803 EMPLOYMENT AND SUPERVISION OF UNLICENSED INDIVIDUALS

(a) Any psychologist who employs or supervises unlicensed individuals who provide ancillary services as specified in Rule .2804(b) of this Section shall maintain documentation of the relationship between the psychologist and the unlicensed individual beginning with the date upon which the relationship is initiated. Documentation shall be in the form of a written agreement that is signed by both parties. Except when prevented from doing so by circumstances beyond the psychologist's control, the psychologist shall maintain documentation of the relationship with the unlicensed individual for a minimum of

seven years after the termination of the relationship and shall present the documentation to the Board upon written request. If the unlicensed individual is supervised by more than one psychologist, there shall be an appointed psychologist of record who shall have primary responsibility for the coordination of and provision of services by the unlicensed individual. The psychologist of record shall have responsibility for record keeping with regard to the services of the unlicensed individual.

(b) The psychologist shall be competent to render all ancillary services specified in Rule .2804(b) of this Section that the employee or supervisee shall render, except that clearly defined areas of an employee's or supervisee's supervision may be delegated to other psychologists affiliated with the employment setting whose competence in the delegated areas has been demonstrated by previous education, training, and experience.

(c) A psychologist whose license has been revoked or suspended or who has otherwise been subject to disciplinary or remedial action by the Board pursuant to G.S. 90-270.15 shall not continue to employ or supervise unlicensed individuals and shall not initiate subsequent employee or supervisory relationships without the prior approval of the Board. The Board shall have the authority to restrict or revoke a psychologist's privilege to utilize unlicensed individuals to provide ancillary services if the Board finds that an unlicensed person in the psychologist's employment or under the psychologist's supervision has violated any provision of G.S. 90-270.15(a) which would otherwise apply to licensed individuals.

*Authority G.S. 90-270.9; 90-270.21.*

### .2804 SERVICES APPROPRIATE FOR UNLICENSED INDIVIDUALS

(a) Clerical functions requiring a minimum of judgment shall be deemed as appropriate activities in which unlicensed individuals may engage. Examples of these activities include responding to telephone inquiries, scheduling appointments, filing insurance claims, typing psychological reports, and completing data entry of test results after a patient or client has responded to such items as questionnaires, forms, etc. These activities shall be appropriate for ancillary services personnel to provide under the supervision of a psychologist. A psychologist who employs or supervises unlicensed individuals to provide the services described in this Paragraph shall otherwise be exempt from the requirements of Rule .2803(a) of this Section.

(b) Tasks requiring technical skills and training but minimal judgment during execution shall be deemed as appropriate activities in which unlicensed individuals would be engaged. Such tasks are those for which training in the foundation of psychology based on academic preparation at the masters, specialist, or doctoral level of psychology would not be required. Examples of these activities include obtaining demographic histories; implementing biofeedback techniques; administering and scoring specific parts of psychological tests, including neuropsychological tests, which are scored on a pass/fail, multiple choice, or true/false basis, or for which scores are based on speed or quantity of performance; and implementing specific behavioral interventions that are part of a detailed treatment

plan. A psychologist may delegate such technical tasks to an unlicensed individual upon determining that the tasks can be performed adequately, given the client's or patient's characteristics and circumstances, in a manner consistent with the unlicensed individual's training and skills.

*Authority G.S. 90-270.9; 90-270.21.*

**.2805 SERVICES NOT APPROPRIATE FOR UNLICENSED INDIVIDUALS**

(a) Individuals providing ancillary services shall not engage in tasks involving judgment during the execution of those services when training in the foundation of psychology for the level of judgment is characteristically based on academic preparation at the masters, specialist, or doctoral level in psychology. Examples of these activities include administration of projective techniques; administration of individually administered intelligence tests; administration of other psychological tests in which the patient's or client's performance may alter the length of the protocol, require adjustment of the number of items administered, or require that a decision be made to probe a response of the patient or client; and all forms of diagnostic interviewing, counseling, and psychotherapy. Psychological services of the type noted in this Paragraph shall be provided only by psychologists licensed by the Board as either licensed psychologists (provisional or permanent) or licensed psychological associates or by qualified applicants and shall not be performed by unlicensed individuals. All psychological test results shall be interpreted to recipients of services or their duly designated representative(s) by licensed psychologists (provisional or permanent), licensed psychological associates, or qualified applicants. Interpretation of psychological test results by unlicensed individuals, other than qualified applicants, shall be prohibited under all circumstances.

(b) Unlicensed individuals providing ancillary services who make record entries regarding services they provide must sign such entries and indicate their positions as providers of ancillary services. The psychologist shall ensure that reports, case notes, financial statements, and other records of service clearly identify whether the psychologist or the unlicensed individual was the direct provider of a specific service. When a psychological report contains information collected by a provider of ancillary services, the report shall either identify the information as that

obtained from a person providing ancillary services or be countersigned by the person providing ancillary services.

*Authority G.S. 90-270.9; 90-270.21.*

**.2806 SUPERVISION**

Any qualified psychologist who employs or supervises individuals to provide ancillary services shall be accessible at all times, either on-site or through electronic communication, and shall be available to render assistance when needed to the unlicensed individual and patient or client, or shall have arranged for another qualified psychologist to be readily accessible in the absence of the supervising psychologist. The psychologist shall meet with all unlicensed individuals in an employer-employee or supervisor-supervisee relationship to the extent necessary to provide appropriate supervision for the activities in which the unlicensed individual is engaged.

*Authority G.S. 90-270.9; 90-270.21.*

**.2807 QUALIFICATIONS AND TRAINING**

(a) Prior to the provision of ancillary services specified in Rule .2804 of this Section by an unlicensed individual, the psychologist supervising or employing the individual shall provide training in and establish that the individual has sufficient knowledge and understanding of confidentiality, exceptions to confidentiality including mandated reporting of suspected abuse or neglect, and professional ethics. Training in professional ethics shall include the Code of Conduct contained in the North Carolina Psychology Practice Act at G.S. 90-270.15(a).

(b) Any psychologist supervising or employing an unlicensed individual shall provide instruction in or establish that the individual shall have received training sufficient to perform the activities delegated to the unlicensed individual.

(c) Unless provided prior approval by the Board, a psychologist may not employ or supervise individuals to provide ancillary services who have previously been licensed or certified to practice psychology who have relinquished their licenses or certification or who have had their licenses or certification restricted, suspended, or revoked by the Board in North Carolina or any other jurisdiction.

*Authority G.S. 90-270.9; 90-270.21.*

*The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.*

**TITLE 1 - DEPARTMENT OF ADMINISTRATION**

**Rule-making Agency:** *Department of Administration*

**Rule Citation:** *1 NCAC 40 .0103, .0201- .0204*

**Effective Date:** *November 25, 1998*

**Findings Reviewed by Beecher R. Gray:** *Approved*

**Authority for the rule-making:** *G.S. 115C-566*

**Reason for Proposed Action:** *The General Assembly amended G.S. 115C-566 dealing with driving eligibility certificates in the last session to include all educational programs that a court has found to meet the requirements of the Compulsory Attendance Law prior to July 1, 1998, under those schools that the Division of Nonpublic Education must make rules for in the area of driving eligibility certificates. The General Assembly cited their action as a recent act that allowed the Department of Administration to adopt temporary rules to cover these programs.*

**Comment Procedures:** *All persons wishing to comment on these proposed rules may do so by sending their written comments to R. Glen Peterson, General Counsel, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27603-8003.*

**CHAPTER 40 - NONPUBLIC EDUCATION**

**SECTION .0100 - GENERAL PROVISIONS**

**.0103 DEFINITIONS**

The following definitions shall apply throughout this Chapter:

- (1) "Conventional nonpublic school" means a school operating under either Part 1 or Part 2 of Article 39, G.S. 115C.
- (2) "Division" means the Division of Nonpublic Education, except where otherwise identified.
- (3) "Educational program" means an alternative academic program of instruction found by a court prior to July 1, 1998, to comply with the Compulsory Attendance Law, Part 1 of Article 26, G.S. 115C.
- (4) "Home school" means a nonpublic school operating under Part 3 of Article 39, G.S. 115C.

*History Note: Authority G.S. 115C-547 through 115C-566; Temporary Adoption Eff. August 4, 1998; Temporary Amendment Eff. November 25, 1998.*

**SECTION .0200 - DRIVING ELIGIBILITY CERTIFICATES**

**.0201 DEFINITIONS**

For the purposes of G.S. 20-11, G.S. 20-13.2(c1) and G.S. 115C-566, the following definitions shall apply:

- (1) "High school diploma or its equivalent" means and includes the General Equivalency Diploma and the adult high school diploma.
- (2) "Making progress toward obtaining a high school diploma or its equivalent" means that the student must meet standards established by the administrator, or the administrator's designee, in the case of a conventional nonpublic school or by the person who provides the academic instruction in the case of a home ~~school~~ school or an educational program.
- (3) "Substantial hardship" means a demonstrable burden on the student or the student's family as evidenced by circumstances such as the following:
  - (a) The parent/guardian is unable to drive due to illness or other impairment and the student is the only person of driving age in the household.
  - (b) The student requires transportation to and from a job that is necessary to the welfare of the student's family and the student is unable to obtain transportation by any means other than driving.
  - (c) The student has been unable to attend a conventional nonpublic school due to documented medical reasons, but the student is demonstrating the ability to maintain progress toward obtaining a high school diploma or its equivalent.
- (4) A "student who cannot make progress toward obtaining a high school diploma or its equivalent" shall mean a student who has been identified by the administrator, or the administrator's designee, in the case of a conventional nonpublic school or by the person who provides the academic instruction in the case of a home ~~school~~ school or an educational program, as not having the capacity to meet the requirements for a high school diploma or its equivalent due to a disability.

*History Note: Authority G.S. 115C-566; Temporary Adoption Eff. August 4, 1998; Temporary Amendment Eff. November 25, 1998.*

**.0202 ISSUANCE OF DRIVING ELIGIBILITY CERTIFICATES**

- (a) Each conventional nonpublic ~~school and school~~ home school and educational program shall be responsible for the issuance of driving eligibility certificates on forms which must be supplied only by the Division.
- (b) Before any conventional nonpublic school or home school

can issue a driving eligibility certificate, that school must have on file with the Division a currently valid Notice of Intent to Operate and must be in compliance with all laws and regulations applicable to conventional nonpublic schools or home schools which enroll students subject to compulsory attendance laws. Once the school is in compliance with such laws and regulations as apply to it, the appropriate forms may be requested from, and supplied by, the Division.

(c) Before any educational program can issue a driving eligibility certificate, that program must have on file with the Division:

- (1) A letter stating the name of the educational program, its address and telephone number, and contact person; and
- (2) Legal documentation in the form of a certified court order or judgment that the program was found to be in compliance with the Compulsory Attendance Law, Part 1 of Article 26, G.S. 115C, prior to July 1, 1998. Once the educational program is in compliance with such laws and regulations as apply to it, the appropriate forms may be requested from, and supplied by, the Division.

(e) (d) Notwithstanding 1 NCAC 40 .0202(b), all nonpublic schools enrolling only students who are age 16 or 17 may not request driving eligibility certificate forms from the Division until after the school's currently valid Notice of Intent to Operate has been on file with the Division for at least six calendar months. This provision shall not apply in the case of any student that is newly resident in the State of North Carolina within the 30 days immediately preceding his request for a driving eligibility certificate from a school affected by this provision.

(d) (e) A nonpublic school student under the age of 18 who wishes to obtain a limited learner's permit, a limited provisional license or a full provisional license under G.S. 20-11 must first request and obtain a driving eligibility certificate signed by the administrator, or the administrator's designee, in the case of a conventional nonpublic school or the person who provides the academic instruction in the case of a home school, school or an educational program.

(e) (f) Before a nonpublic school student is eligible to receive a driving eligibility certificate, the student must be properly enrolled in a nonpublic school which is meeting all the appropriate requirements of Article 39 of G.S. 115C or in an educational program at the time the certificate is issued and meet one of the following requirements:

- (1) The student is making progress toward obtaining a high school diploma or its equivalent.
- (2) The student will have a substantial hardship placed on the student or the student's family if the certificate is not issued.
- (3) The student is a student who cannot make progress toward obtaining a high school diploma or its equivalent.

(f) (g) If a student is denied a certificate, the chief administrator of the nonpublic school or the person who provides the academic instruction in the case of an educational program shall inform the student of the school's or the

program's decision and the availability and details of the school's or program's appeals process.

*History Note: Authority G.S. 115C-566;  
Temporary Adoption Eff. August 4, 1998;  
Temporary Amended Eff. November 25, 1998.*

## **.0203 REVOCATION OF DRIVING ELIGIBILITY CERTIFICATES**

(a) Each nonpublic school and educational program shall revoke a driving eligibility certificate held by one of its students, no matter whether it was issued by that school or program or not:

- (1) when the student fails to meet the requirements for the certificate set out in 1 NCAC 40 .0202; or
- (2) when the student is no longer enrolled in the school or program and does not possess a high school diploma or its equivalent upon the student's removal from the schools's or program's rolls, if the student will not be enrolled in another school (public, conventional nonpublic, home school, school, educational program or community college).

(b) Upon revocation of a certificate, the chief administrator of the school or program shall send written notification of the revocation to the Division within five calendar days of the revocation, unless the student protests the decision. If the Appeals Committee upholds the school's or program's decision to revoke the certificate, the notification to the Division will be made within five days from the school's or program's receipt of the committee's decision.

(c) The notification to the Division shall include:

- (1) The student's legal name (first, middle and last name as on the student's birth certificate);
- (2) The student's social security number;
- (3) The student's residence address (including street, city and zip code);
- (4) The student's date of birth;
- (5) The student's gender;
- (6) The student's race;
- (7) The student's learner's permit or driver's license number;
- (8) The name of the parent/guardian with whom the student is living;
- (9) A statement of the reasons for the revocation of the certificate;
- (10) The date of the student's ineligibility or removal from the school's or program's rolls;
- (11) The type of nonpublic school, whether conventional or home school, school, or educational program;
- (12) The name of the nonpublic school, school or educational program;
- (13) The county in which the nonpublic school or educational program is located;
- (14) The name of the chief administrator of the nonpublic school, school or educational program.

(d) Within five calendar days of the Division's receipt of the written notification of revocation from the nonpublic school, school or educational program, the Director of the Division or the Director's designee, shall inform the North Carolina Division

of Motor Vehicles of the revocation.

(e) If a student's certificate is revoked, the chief administrator of the nonpublic school or educational program shall inform the student of the school's or program's decision and the availability and details of the school's or program's appeals process.

*History Note: Authority G.S. 115C-566;  
Temporary Adoption Eff. August 4, 1998;  
Temporary Amendment Eff. November 25, 1998.*

#### **.0204 STUDENT APPEALS PROCESS**

(a) Each conventional nonpublic school and educational program that enrolls students that are at least 15 years of age shall establish a Driving Eligibility Certificate Appeals Committee to receive and act upon student protests that a driving eligibility certificate was improperly denied or revoked. All student protests shall be made within five days of the school's or program's decision and directed to the chief administrator of the conventional nonpublic school, school or educational program. The Appeals Committee shall:

- (1) Be appointed by and serve at the pleasure of the administrator of the conventional nonpublic school, school or educational program, or the administrator's designee; and
- (2) Consist of at least three members, each of which shall be a member of the school's or program's governing board, administration or staff, or a parent/guardian with a child currently enrolled in the school, school or program.

(b) The Division shall establish a Home Schools Driving Eligibility Certificate Appeals Committee exclusively to receive and act upon student protests that a driving eligibility certificate was improperly denied or revoked by a home school. All home school student protests shall be made within five days of the school's decision and directed to the Director of the Division or the Director's designee, at Division of Nonpublic Education, Department of Administration, 530 North Wilmington Street, Raleigh, North Carolina 27604-1198. The Home Schools Driving Eligibility Certificate Appeals Committee shall:

- (1) Be appointed by, and serve on a voluntary basis at the pleasure of, the Director of the Division or the Director's designee; and
- (2) Consist of at least three members, each being the administrator of a home school currently operating under Part 3, Article 39, G.S. 115C. The members shall not receive per diem or any other type of compensation for their service. The Director, or the Director's designee, shall appoint a chairperson from the committee's membership. The chairperson shall then direct the decision-making work of the committee.

(c) All Driving Eligibility Certificate Appeals Committees shall:

- (1) consider the written protest of the student as to why the driving eligibility certificate was improperly denied or revoked;
- (2) decide the protest based on whether the requirements for the certificate were met or whether the certificate

was properly revoked:

- (3) render its decision within 30 calendar days of receipt of the written protest from the student, and promptly notify the student and the chief administrator of the school or program of the decision.

(d) The decision of the appropriate appeals committee shall be final.

*History Note: Authority G.S. 115C-566;  
Temporary Adoption Eff. August 5, 1998;  
Temporary Amendment Eff. November 25, 1998.*

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### **TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**Rule-making Agency:** *Commission for Health Services*

**Rule Citation:** *15A NCAC 19A .0502*

**Effective Date:** *December 1, 1998*

**Findings Reviewed and Approved by:** *Beecher R. Gray*

**Authority for the rule-making:** *G.S. 130A-152*

**Reason for Proposed Action:** *The purpose of this action: To change the reporting requirements as stated in 15A NCAC 19A .0502. This will ensure that private providers of immunization services to children have a fair and reasonable mechanism in which to accurately report doses administered information to the Immunization Section for the purpose of vaccine accountability. Immunization projects have the primary responsibility to develop and maintain vaccine accountability systems to ensure that vaccine loss and wastage is minimized. The existing rules were developed in 1993 when the Universal Childhood Vaccine Distribution Program (UCVDP) began providing state-supplied vaccine to less than 400 providers across the state. One of the many goals of the UCVDP was to encourage more pediatricians and family physicians to immunize children in their medical care home. At that time 65-70% of childhood immunizations were being administered in local county health departments. By 1998 the private sector was administering 70 percent of the childhood vaccines. Since that time, four new vaccines/vaccine combinations have been added to the Recommended Childhood Immunization Schedule, making the current reporting mechanism cumbersome for the providers of immunization services. In addition, with the number of childhood immunization providers enrolled in the UCVDP having nearly tripled over the past four years, reporting of doses administered information on the 5th of each month by providers does not allow adequate reporting time. The existing rule states that a provider who fails to report by the fifth of each month twice in one year is no longer eligible to receive state-supplied vaccine. A temporary rule needs to be adopted in order to impose upon immunization program providers reasonable reporting requirements with respect to immunization activities*

and appropriate sanctions for failure to comply. Greater compliance and accountability by the Immunization Program providers and the Immunization Section will be achieved.

**Comment Procedures:** Comments, statements, data and other information may be submitted in writing within 60 days after the date of publication of this issue in the North Carolina Register. Copies of the proposed rules and information packages may be obtained by contacting the Immunization Program at (919) 715-6764. Written comments may be submitted to Barbara Laymon, Immunization Section, Division of Public Health, PO Box 29597, Raleigh, NC 27626.

## CHAPTER 19 - HEALTH: EPIDEMIOLOGY

### SUBCHAPTER 19A - COMMUNICABLE DISEASE CONTROL

#### SECTION .0500 - PURCHASE AND DISTRIBUTION OF VACCINE

##### **.0502 VACCINE FOR PROVIDERS OTHER THAN LOCAL HEALTH DEPARTMENTS**

(a) The Department of Environment, Health, and Natural Resources shall provide vaccines required by law free of charge to the following providers for administration to individuals who need vaccines to meet the requirements of G.S.130A-152, 130-155.1 and 15A NCAC 19A .0401:

- (1) Community, migrant, and rural health centers;
- (2) Colleges and universities for students; and
- (3) Physicians and other health care providers.

(b) Upon request of the Department, required vaccines may be distributed by local health departments operating as agents of the State to providers listed in Subparagraphs(a)(1), (2) and (3) of this Rule.

(c) Providers authorized in Paragraph (a) of this Rule shall be eligible to receive free vaccines from the Department only if they sign an agreement with the Department. This agreement will be prepared by the Immunization Section and will require the provider to:

- (1) Charge no more for a single dose of vaccine than the rate established by the Health Care Financing Administration (HCFA); Charge no more than double the HCFA rate as a reasonable fee for the administration of two or more vaccines given at a single visit. The rate established by HCFA is published in the Federal Register (59FR50235), and is incorporated herein by reference along with any subsequent amendments and editions. The HCFA rate may be inspected at the Immunization Section of the Department of Environment, Health, and Natural Resources. Copies may be obtained from the Immunization Section at no charge;
- (2) Provide all vaccines needed during a visit unless a specific contraindication exists to one or more of the vaccines;
- (3) Charge no office fee in addition to an administration fee for an immunization-only visit;

- (4) Agree not to charge an administration fee to an individual who states that they are unable to pay;
  - (5) Impose no condition as a prerequisite to receiving vaccine;
  - (6) ~~Report in writing or electronically the name and social security number of the person to whom vaccine was administered, the date of administration, the type and dose of vaccine(s) administered and the provider number of the physician or clinic administering the vaccine to the Immunization Section, at least monthly by the fifth day of each month. The providers shall submit a monthly doses administered report by the tenth of each month electronically through the North Carolina Immunization Registry or on a form provided by the Immunization Section.~~
  - (7) Report adverse reactions through the Vaccine Adverse Event Reporting System (VAERS);
  - (8) Provide the latest edition of the applicable Important Information Statement (IIS), or Vaccine Information Statement (VIS) to the parent, guardian, or person standing in loco parentis for each dose of vaccine administered; document this action within the patient's permanent medical record; retain the documentation for a period of 10 years following the end of the calendar year in which the vaccine dose was administered, or for 10 years following the recipient's age of majority, whichever is longer; upon request, furnish copies of the documentation to the local health department or the Department. Keep a record of the vaccine manufacturer, lot number, and date of administration for each dose of vaccine administered;
  - (9) Allow periodic inspection of their vaccine supplies and records by the Immunization Section; and
  - (10) Comply with the rules of this Section.
- (d) ~~A provider who fails to submit timely and accurate reports, as required in Paragraph (c) of this Rule, twice in any 12 month period shall have their eligibility to receive state vaccine suspended for a period of one year. A provider who fails to comply with any of the other requirements of this Rule may have their eligibility suspended by the Department for a period determined by the Department and may be subject to an action brought pursuant to G.S. 130A-27. All suspensions of eligibility shall be in accordance with G.S. 130A-23. A provider who fails to submit timely and accurate reports as required each month shall have vaccine shipments withheld until that month's report is received by the Immunization Section.~~

*History Note: Filed as a Temporary Amendment Eff. October 1, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Filed as a Temporary Amendment Eff. August 26, 1992, for a period 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Filed as a Temporary Amendment Eff. February 1, 1988, for a period of 180 days to expire on July 29, 1988;*

*Filed as a Temporary Rule Eff. February 1, 1987 for a period of 120 days to expire on May 31, 1987;*

*Filed as Temporary Rule Eff. October 5, 1986 for a period of 120 days to expire on February 1, 1987;*  
*Authority G.S. 130A-152; 130A-155.1; 130A-433; S.L. 1986, c. 1008, s. 2; S.L. 1987, c. 215, s. 7;*  
*Eff. March 1, 1987;*  
*Amended Eff. October 1, 1995; January 1, 1995; January 4, 1994; January 4, 1993;*  
*Temporary Amendment Eff. December 1, 1998.*

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**TITLE 16 - DEPARTMENT OF PUBLIC  
EDUCATION**

**Rule-making Agency:** *State Board of Education*

**Rule Citation:** *16 NCAC 6B .0108*

**Effective Date:** *December 15, 1998*

**Findings Reviewed and Approved by:** *Beecher R. Gray*

**Authority for the rule-making:** *G.S. 115C-522.1(e)*

**Reason for Proposed Action:** *The General Assembly directed the State Board to adopt rules to exempt supplies, equipment,*

*and materials related to student transportation from the law allowing purchasing flexibility, G.S. 115C-522.1.*

**Comment Procedures:** *Questions or written comments regarding this matter may be directed to Harry E. Wilson, Rule-Making Coordinator, 2086 Education Building, 301 N. Wilmington Street, Raleigh, NC 27601-2825, (919) 715-1310.*

**CHAPTER 6 - ELEMENTARY AND SECONDARY  
EDUCATION**

**SUBCHAPTER 6B - STUDENT TRANSPORTATION  
SYSTEM**

**SECTION .0100 - STUDENT TRANSPORTATION  
SYSTEM**

**.0108 PURCHASING FLEXIBILITY EXEMPTION**

All supplies, equipment, and materials related to student transportation shall be exempted from the purchasing flexibility granted to LEAs under G.S. 115C-522.1.

*History Note: Authority G.S. 115C-522.1(e);  
Temporary Adoption Eff. December 15, 1998.*

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, January 21, 1998, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, January 18, 1998, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Teresa L. Smallwood, Vice Chairman  
John Arrowood  
Laura Devan  
Jim Funderburke  
David Twiddy

**Appointed by House**

Paul Powell, Chairman  
Anita White, 2<sup>nd</sup> Vice Chairman  
Mark Garside  
Steve Rader  
George Robinson

**RULES REVIEW COMMISSION MEETING DATES**

January 21, 1999  
February 18, 1999  
March 18, 1999  
April 15, 1999  
May 20, 1999  
June 17, 1999

July 15, 1999  
August 19, 1999  
September 16, 1999  
October 21, 1999  
November 18, 1999  
December 16, 1999

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**RULES REVIEW COMMISSION**

**November 19, 1998  
MINUTES**

The Rules Review Commission met on November 19, 1998, in the Assembly Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, David R. Twiddy, Jim R. Funderburk, Anita A. White, Mark P. Garside, and George S. Robinson (by telephone).

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

David Brown	DENR/Child Day Care
Nancy Scott	Attorney General
Juanita Gaskill	DENR/Marine Fisheries
Aaron Padgett	DENR/Radiation Protection
Jim Hall	DENR/Child Day Care
R M Fry	DENR/Radiation Protection
Dedra Alston	DENR
Dwight Lancaster	DENR/Water Quality
Shirley Bullard	DHHS
Jerry Perkins	DENR/State Revolving Fund
Ed Buchan	DENR/DEH
Marc Lodge	DHHS
Ellie Sprenkel	Insurance
Sharnese Ransome	DHHS/Social Services
Theresa Shackelford	Insurance
Janice Fain	DHHS/Child Day Care

Anna Carter	DHHS/Child Day Care
Susan Randolph	DHHS
Thomas Allen	DENR/Water Quality
T. Reeder	DENR/Water Quality
Roberta Oeullette	NC Appraisal Board
Mel Black	NC Appraisal Board
Valerie Chaffin	Hunton & Williams
McKinley Wooten	Attorney General
Frank Crawley	Attorney General
W R Hoke	Electrical Contractors
Denise Stanford	NC Board of Pharmacy

## **APPROVAL OF MINUTES**

The meeting was called to order at 10:05 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the October 22, 1998 meeting. There being none, the minutes were approved.

## **FOLLOW-UP MATTERS**

4 NCAC 3B .0101, .0102, and .0103: COMMERCE/Banking Commission – No response was received from the agency on these rules.

4 NCAC 3H .0002: COMMERCE/Banking Commission – No response was received from the agency on this rule.

10 NCAC 3R .6112: DHHS/Medical Care Commission – No response was received from the agency on this rule.

12 NCAC 9B .0301 and .0603: JUSTICE/Criminal Justice Education & Training Standards Commission – The rewritten rule submitted for .0301 was objected to by the Commission because (d) still requires instructors to meet any continuing education courses "deemed necessary and appropriate by the Commission." The deletion of (b) was approved by the Commission. The rewritten rule submitted for .0603 was approved by the Commission contingent upon receiving the technical change. The change was subsequently received.

15A NCAC 10F .0301: DENR/Wildlife Resources Commission – The rewritten rule submitted by the agency was approved by the Commission.

15A NCAC 13B .1624: DENR/Commission for Health Services – The rewritten rule submitted by the agency was approved by the Commission.

15A NCAC 16A .0101: DENR/Commission for Health Services – The repeal submitted by the agency was approved by the Commission.

15A NCAC 18A .2522, .2537, .2804, .2808, .2827, and .2833: DENR/ Commission for Health Services – The rewritten rules submitted by the agency were approved by the Commission with the exception of .2804 which was objected to by the Commission. It is still unclear what sources of potentially hazardous food the day care centers are required to use and how they are to identify such sources.

## **LOG OF FILINGS**

Chairman Powell presided over the review of the log and all rules were unanimously approved with the following exceptions:

10 NCAC 3U .0305, and .2805: DHHS/Child Care Commission - The Commission objected to .0305 and .2805 due to ambiguity. It is not clear how the compliance history ratings are determined.

10 NCAC 3U .1601: DHHS/Child Care Commission - The Commission objected to .1601 due to ambiguity. As written, .1601 appears to apply to all centers, but the section title implies that it only applies to programs seeking to be recognized as meeting enhanced standards. It is not clear to whom the .1600 rules apply.

10 NCAC 3U .2806: DHHS/Child Care Commission - The Commission objected to .2806 due to ambiguity. In (b)(2), (c)(2), and

(d)(2), it is not clear what constitutes a "nationally recognized" accrediting organization.

10 NCAC 3U .2810: DHHS/Child Care Commission - The Commission objected to .2810 due to ambiguity. In (c), it is not clear what standards the division will use in approving individuals to perform rating scale assessments.

10 NCAC 20C .0206: DHHS/Division of Vocational Rehabilitation Services - The Commission objected to this rule due to lack of statutory authority and ambiguity. In (l) there is no authority for allowing the waiver provision without specific guidelines. "[G]ood cause" is not specific. It is also unclear whether the unit manager may refuse to approve the waiver if "good cause" (once it is specified) is shown. This may simply be a requirement that the waiver be in writing and that the unit manager be the decision maker.

10 NCAC 41E, G, R, S and T: DHHS/Social Services Commission - These rules were withdrawn by the agency.

Commissioner White recused herself from the Department of Insurance rules.

11 NCAC 8 .0912 - INSURANCE/Manufactured Housing Board: The Commission objected to this rule due to lack of statutory authority. In (f)(4), there is no authority for including questions about federal laws and rules on the examination. There is also no authority for the exemption in (l). G.S. 143-143.11(h) requires a person to pass an examination in order to obtain a license.

12 NCAC 7D .1201, and .1202: JUSTICE/NC Private Protective Services Board - The Commission objected to the .1200 rules due to lack of statutory authority. There is no authority for setting requirements for instructors of instructors. G.S. 74C-13(h) and (l) require trainers to be certified but there is no authority for those training them to be.

12 NCAC 7D .1301, .1302, .1303, .1304, .1305, .1306, and .1307: JUSTICE/NC Private Protective Services Board - The Commission objected to each of the .1300 rules due to lack of statutory authority and also to .1301 and .1302 due to lack of necessity and to .1304 and .1305 due to ambiguity. There is no authority cited for requiring continuing education for licensees. Conversely G.S. 74C-9(f) allows renewal upon payment of the proper fee and evidence of insurance. In addition, .1301 is not necessary because it has no requirements. In .1302, the term "accredited sponsor" is not used in the rules and thus does not need defining. In .1304(c) and .1305, it is not clear what standards the Board will use in determining if a course will be sanctioned.

15A NCAC 1N .0403: DENR - The Commission objected to this rule due to ambiguity. In (1), it is not clear what standards the division will use in requiring business plan submittal.

15A NCAC 1N .0604: DENR - The Commission objected to this rule due to ambiguity. The rule states that points may be awarded in both Items (1) and (2), but Item (2) states that points may be awarded if not awarded in (1). This is contradictory and thus ambiguous.

15A NCAC 1N .0701: DENR - The commission objected to this rule due to ambiguity. In (c)(4), it is not clear what standards the division will use in setting capacity development requirements.

15A NCAC 1N .0703: DENR - The Commission objected to this rule due to ambiguity. In (1), it is not clear what standards the receiving agency (Division of Environmental Health) will use in approving loan commitment decreases.

15A NCAC 1O: DENR - These rules were withdrawn by the agency.

15A NCAC 2D .1208: DENR/Environmental Management Commission - The Commission objected to this rule due to ambiguity. In (a)(3)(A)(ii), it is not clear what standards the Administrator will use in waiving requirements.

15A NCAC 3P .0202: DENR/Marine Fisheries Commission - The Commission objected to this rule due to ambiguity. It is unclear what constitutes "undisputed facts" in the context of a request for a declaratory ruling in (b), (b)(1), (d), (f)(1), and (g)(3).

15A NCAC 8G .0401, .0402, .0403, .0404, .0405, .0406, .0407, and .0409: DENR/Water Pollution Control Systems Operators Certification Commission - The Commission objected to .0401 through .0409 due to lack of statutory authority and ambiguity. It is unclear what standards the Commission will use for approving the training programs in (b)(1). If the standards are not in the rules there is no authority to set those standards outside rulemaking. In .0409, it is also unclear what standards the Commission will use in determining whether to require training. This appears to be a slight variation on the waiver theme, but that is not abundantly clear to this reviewer.

15A NCAC 8G .0505 and .0802: DENR/Water Pollution Control Systems Operators Certification Commission - The Commission

objected to .0505 and .0802 due to ambiguity. In .0505(d) the first sentence seems to say that all scores are final and will not be changed. The last sentence states that exams shall be regraded if an "error is found in the examination." The rule is not clear as to what is going on. Does it mean that grades will not be changed if the error is that a correct answer was not properly credited but will be changed if the error was in the question itself? In .0802 the rule is unclear about the delegation of authority; the roles of the Commission, chairman, and advisory committee; and the appellate path to follow.

15A NCAC 8G .0902: DENR/Water Pollution Control Systems Operators Certification Commission - The Commission objected .0902 due to lack of statutory authority. There is no authority to set reporting requirements outside rulemaking as set out in (6).

15A NCAC 8G .1001: DENR/Water Pollution Control Systems Operators Certification Commission – This rule was withdrawn by the agency.

15A NCAC 8G .1102: DENR/Water Pollution Control Systems Operators Certification Commission – This rule was withdrawn by the agency.

21 NCAC 46 .1612: NC Board of Pharmacy - The Commission objected to this rule due to lack of statutory authority. There is no authority cited for the late renewal fee. G.S. 150B-19(5) is not sufficient authority. Note that the agency did not attempt to specifically characterize the late renewal fee as any of the five listed general fees allowed by 150B-19(5).

21 NCAC 46 .2306: NC Board of Pharmacy - The Commission objected to this rule due to lack of statutory authority. This rule does not appear to be consistent with the statute. It seems to expand the universe of those to whom the prescription information is available.

21 NCAC 46 .2502: NC Board of Pharmacy – The Commission objected to .2502 due to lack of statutory authority and ambiguity. In (g) there appears to be an exception or waiver of the rule forbidding serving as pharmacist-manager at more than one pharmacy. However there are no specific guidelines for the Board's consideration. Paragraphs (k) – (m) are ambiguous. Paragraph (l) especially is not clear about what the Board shall or shall not do under the circumstances. These paragraphs should be reviewed and perhaps rewritten to make clear what danger the Board is addressing; the solution it requires; and the need to be sure that the rules do not conflict with, or mislead someone about the effect of, the conduct of a civil lawsuit in any action over the dispensing or delivery of a product by a pharmacist.

21 NCAC 46 .2506: NC Board of Pharmacy – This rule was withdrawn by the agency.

21 NCAC 46 .2609: NC Board of Pharmacy - The Commission objected to this rule due to lack of statutory authority and ambiguity. There does not appear to be any authority cited to allow the board to test whether such a supplier has "a working knowledge of the services provided and how they relate to each patient's goals." The authority cited is limited to require these providers to deliver the equipment in a certain manner. As long as that is done, i.e., the rules for dispensing or delivering this equipment are followed, then the supplier's knowledge is irrelevant and beyond the scope of the board's authority to test. In the alternative, even if the board has the authority to test such knowledge, what constitutes this "working knowledge" is vague and undefined. In addition the Commission is not sure about the necessity for this rule. The only authority cited for this rule refers to dispensing or delivering "devices" or "medical equipment" including certain rehabilitation equipment. It is unclear to me whether this rule purports to regulate more than the items mentioned in the definition of medical equipment. As long as it does not there is no problem with the authority. But then it is unclear what the interplay is between this rule and the next one for your review covering all medical equipment. This latter problem is probably easily addressed by adding a provision that this rule, and not .2611, covers the delivery of rehabilitation equipment, or specifying what parts of .2611 also apply. But until that is done, this rule is unclear to me.

21 NCAC 46 .2611: NC Board of Pharmacy - The Commission objected to this rule due to lack of statutory authority and ambiguity. This rule presents one of the same problems as the previous rule. There does not appear to be any authority cited to allow the board to test whether such a supplier has "a working knowledge of the services provided and how they relate to each patient's goals." The authority cited is limited to require these providers to deliver the equipment in a certain manner. As long as that is done, i.e., the rules for dispensing or delivering this equipment are followed, then the supplier's knowledge is irrelevant and beyond the scope of the board's authority to test. In the alternative, even if the board has the authority to test such knowledge, what constitutes this "working knowledge" is vague and undefined.

21 NCAC 57A .0305: NC Appraisal Board - The Commission objected to this rule due to lack of statutory authority and necessity. There is no authority to require people not to talk about the exam's contents. The exam would appear to be a public record and as such available to the public. Even if it were not a public record it would seem that it would not have been the legislature's intent to allow the agency to forbid this activity and thus is unnecessary. Finally, it certainly appears to be a first amendment violation.

although that is not a basis for objecting to it. However it would be a good reason for the agency to withdraw it. Note that the agency has extremely broad authority to adopt rules concerning the qualifications of its licensees, but this is not a qualification rule. The authority would lie in the legislature's broad grant of power to adopt rules "reasonably necessary to implement, administer, and enforce the provisions of this Chapter..." (G.S. 93E-1-10) including the administration of exams (G.S. 93E-1-6(c)).

**COMMISSION PROCEDURES AND OTHER MATTERS**

The President Pro Tempore of the Senate has appointed two new Commissioners – John Arrowwood and Laura Devan. Teresa Smallwood was reappointed. No appointments have been made by the Speaker. Elections will be postponed until the January meeting.

The next meeting will be on December 17, 1998.

The meeting adjourned at 11:55 a.m.

Respectfully submitted,  
Sandy Webster

*This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: <http://www.state.nc.us/OAH/hearings/decision/caseindex.htm>.*

**OFFICE OF ADMINISTRATIVE HEARINGS**

*Chief Administrative Law Judge*  
JULIAN MANN, III

*Senior Administrative Law Judge*  
FRED G. MORRISON JR.

**ADMINISTRATIVE LAW JUDGES**

Brenda B. Becton  
Sammie Chess Jr.  
Beecher R. Gray  
Melissa Owens

Meg Scott Phipps  
Robert Roosevelt Reilly Jr.  
Dolores O. Smith

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>ADMINISTRATION</b>				
Occaneechi Band of the Saponi Nation v NC Comm of Indian Affairs	96 DOA 0006	Smith	12/07/98	13 13 NCR 1075
Carlton L. Coleman v Administration, Division of Purchase and Contract	98 DOA 1016	Phipps	12/16/98	
<b>ALCOHOLIC BEVERAGE CONTROL COMMISSION</b>				
Alcoholic Beverage Control Commission v Kenneth Jerome	97 ABC 1205	Phipps	07/23/98	
Alcoholic Beverage Control Commission v Jesse Jacob Joyner, Jr	97 ABC 1438	Phipps	06/19/98	
Alcoholic Beverage Control Commission v Trade Oil Company, Inc	98 ABC 0033	Reilly	08/21/98	
Alcoholic Beverage Control Commission v Pantana Bobs, Inc	98 ABC 0293	Reilly	09/17/98	13 11 NCR 933
Alcoholic Beverage Control Comm v Partnership T/A C & J's Shipwreck	98 ABC 0296	Morrison	08/19/98	
Alcoholic Beverage Control Comm v Harold Webster Hadnott	98 ABC 0324	Smith	12/02/98	
Alcoholic Beverage Control Commission v Axis Entertainment	98 ABC 0357*	Reilly	07/02/98	
Sokha Huor Ramadneh v Alcoholic Beverage Control Commission	98 ABC 0382	Smith	06/30/98	13 03 NCR 350
Alcoholic Beverage Control Commission v Delores Williams Alnaqib	98 ABC 0392	Chess	07/30/98	
Alcoholic Beverage Control Commission v Axis Entertainment	98 ABC 0401*	Reilly	07/02/98	
Alcoholic Beverage Control Commission v James Aubrey Stephenson	98 ABC 0494	Chess	09/01/98	
Alcoholic Beverage Control Commission v Bridgette Dee Williams	98 ABC 0501	Reilly	08/11/98	
Alcoholic Beverage Control Commission v Robert Lee, Inc	98 ABC 0518	Gray	08/11/98	
Alcoholic Beverage Control Comm v Partnership, T/A Variety Pic Up #21	98 ABC 0714	Morrison	10/09/98	
Tarus Jackson v Alcoholic Beverage Control Commission	98 ABC 0768	Smith	07/13/98	
Alcoholic Beverage Control Comm v Simple Elegance Restaurants, Inc	98 ABC 0850	Phipps	10/26/98	
Alcoholic Beverage Control Comm v Daniel Hinton Green	98 ABC 0889	Morrison	11/06/98	
Alcoholic Beverage Control Comm v Zaheer Ahmad Bajwa	98 ABC 0960	Owens	10/30/98	
Alcoholic Beverage Control Comm v Jerald Taft Howell, Jr	98 ABC 1171	Smith	12/03/98	
Alton Olliviera Perry v Alcoholic Beverage Control Commission	98 ABC 1298	Owens	11/23/98	
<b>BOARD OF CONTRACTORS</b>				
Heritage Pointe Builders, Inc & Patrick Hannon v Bd of Contractors	97 LBC 0243	Phipps	08/17/98	
<b>CRIME CONTROL AND PUBLIC SAFETY</b>				
Loretta Battle v Crime Victims Compensation Commission	97 CPS 0654	Gray	08/10/98	
Cynthia Austin v Crime Victims Compensation Commission	97 CPS 1499	Reilly	08/12/98	13 05 NCR 533
Marcella Skaggs v Crime Victims Compensation Commission	98 CPS 0065	Owens	06/05/98	
Talmadge E. McHenry v Crime Victims Compensation Commission	98 CPS 0116	Gray	06/24/98	
Linda Caldwell Wiggins v Crime Victims Compensation Commission	98 CPS 0153	Chess	08/27/98	
Kenneth T. Lytle v Crime Victims Compensation Commission	98 CPS 0176	Reilly	07/06/98	

# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Shirley Henryhand v. Crime Victims Compensation Commission	98 CPS 0263	Morrison	08/11/98	
Brenda Jean Thomas v. Crime Victims Compensation Commission	98 CPS 0314	Morrison	08/11/98	
Tareyton L. Johnson v. Crime Victims Compensation Commission	98 CPS 0327	Reilly	09/02/98	
Mia Thompson-Clark v. Crime Victims Compensation Commission	98 CPS 0349	Chess	05/14/98	
Godfrey Akenabor v. Crime Victims Compensation Commission	98 CPS 0427	Owens	10/30/98	13 12 NCR 1015
Valne H. Thompson v. Crime Victims Compensation Commission	98 CPS 0674	Morrison	11/18/98	
Rufus K. Williams v. Department of Crime Control & Public Safety	98 CPS 0676	Morrison	10/23/98	
Faye E. Powell v. Crime Victims Compensation Commission	98 CPS 0808	Owens	08/28/98	
Hubert Lee Grant v. Crime Victims Compensation Commission	98 CPS 0839	Morrison	10/21/98	13 10 NCR 853
Mary Elizabeth Troutman v. Crime Victims Compensation Comm	98 CPS 0901	Smith	11/12/98	
Brenda H. Alston v. Crime Victims Compensation Commission	98 CPS 0952	Phipps	11/10/98	
Shirley P. Chen v. Crime Victims Compensation Commission	98 CPS 1015	Phipps	09/17/98	
<b>ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR</b>				
Thomas A. Truelove, Jr., PE v. Bd./Examiners/Engineers and Surveyors	98 ELS 0047	Mann	11/12/98	13 12 NCR 1035
<b>ENVIRONMENT AND NATURAL RESOURCES</b>				
Ladane Williamson and Odell Decarol Williamson v. DENR	96 EHR 1926	Gray	09/01/98	13 07 NCR 609
Teresa Heflin v. Department of Environment and Natural Resources	97 EHR 0409	Morrison	07/29/98	
Ronald Prater v. Department of Environment and Natural Resources	97 EHR 0451	Reilly	07/02/98	
James F. Smith v. Department of Environment and Natural Resources	97 EHR 1365	Chess	07/17/98	
William Hickman v. Department of Environment and Natural Resources	97 EHR 1388	Gray	11/06/98	13 11 NCR 928
Hickory Alliance v. Department of Environment and Natural Resources and Godfrey Lumber Company, Inc.	97 EHR 1607	Reilly	07/17/98	
John M. Silvia v. Department of Environment and Natural Resources	97 EHR 1646	Chess	06/03/98	
Godfrey Lumber Company, Inc. v. Dept./Environment & Natural Resources and Hickory Alliance	97 EHR 1676	Reilly	07/17/98	
Gregory B. Jackson, Brenda R. Jackson v. Greene Cty. Hlth Dept., ENR	98 EHR 0042	Reilly	07/02/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0072*	Gray	06/25/98	
Scotland Water, Cedar Circle v. Environment and Natural Resources	98 EHR 0236	Smith	06/09/98	
Womble & Company v. Dept. of Environment and Natural Resources	98 EHR 0345	Chess	11/05/98	
Eric Glenn Harrison v. Environment and Natural Resources	98 EHR 0373	Reilly	08/28/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0448*	Gray	06/25/98	
Mid South Water Systems, Inc. v. Environment and Natural Resources	98 EHR 0548	Gray	12/02/98	
Wilbur E. Earp v. Department of Environment and Natural Resources	98 EHR 0606	Smith	10/21/98	
Norell Bahrs v. Carteret Cty. Health Dept., DENR	98 EHR 0884	Owens	11/02/98	
Charles Davis v. Department of Environment and Natural Resources	98 EHR 0890	Owens	11/09/98	
J.C. Faw v. Department of Environment and Natural Resources	98 EHR 0957	Gray	12/11/98	
Hugh & Bonnie Mills v. Dept. of Environment and Natural Resources	98 EHR 1090	Phipps	12/08/98	
Don W. Hunt v. Halifax County Health Department	98 EHR 1285	Gray	12/17/98	
<b>Division of Air Quality</b>				
Sebring Dev., Patrick Queen/John Amirante v. DENR, Air Quality	98 EHR 0926	Phipps	12/11/98	
<b>Division of Coastal Management</b>				
Preston Warren v. Division of Coastal Management, Wilmington, NC	98 EHR 0177	Phipps	10/05/98	
Marion T. Noe v. DENR, Division of Coastal Management	98 EHR 0976	Smith	12/02/98	
<b>Division of Environmental Health</b>				
Gerald P. Sigal v. DENR, Division of Environmental Health	98 EHR 0051	Smith	10/02/98	
<b>Division of Environmental Management</b>				
Save Our Rivers, Inc., et al v. Town of Highlands, EHN, Env. Mgmt., William W. Cobey, Jr., Secretary	91 EHR 0377	Gray	07/30/98	
US Dept. of the Interior Nat'l Park Svce v. Environmental Mgmt. Comm	98 EHR 0410	Smith	08/20/98	13 06 NCR 578
<b>Division of Marine Fisheries</b>				
Lady LaShanda Melvin Bryant v. EHN, Division of Marine Fisheries	97 EHR 1459	Gray	07/20/98	
Gerald Moore, et al v. DENR, Division of Marine Fisheries	98 EHR 0322	Owens	10/08/98	13 09 NCR 797
<b>Division of Solid Waste Management</b>				
Steve Aldridge, et al v. DENR, Division of Solid Waste Management	98 EHR 0665	Chess	09/09/98	13 07 NCR 617
<b>Division of Water Quality</b>				
Raymond L. Martin v. DENR, Division of Water Quality	98 EHR 0590	Gray	09/21/98	
Worsley Oil Companies, Inc. v. DENR, DWQ, Groundwater Section	98 EHR 0735	Chess	08/24/98	
Silver Bullet, Inc. v. DENR, Division of Water Quality	98 EHR 0931	Chess	08/20/98	
<b>HEALTH AND HUMAN SERVICES</b>				
Stanley C. Ochulo v. Off./Administrative Hearings, Mr. R. Marcus Lodge	98 DHR 0021	Reilly	06/24/98	
Oliver C. Johnson, Hazel T. Johnson v. Health and Human Services	98 DHR 0090	Gray	07/08/98	
Louise Streater v. Health and Human Services	98 DHR 0196	Gray	06/03/98	

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<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Richard E. Lawrence, Rebecca A. Lawrence v. Health and Human Services	98 DHR 0209	Phipps	07/15/98	
John David Brinson v. Department of Human Resources	98 DHR 0369	Owens	08/17/98	
Stephanie Wade v. Department of Health and Human Services	98 DHR 0666	Reilly	08/19/98	
Carolyn L. Freeman v. Department of Human Resources	98 DHR 0721	Gray	08/05/98	
Otis L. Mack, Jr. v. Office of Administrative Hearings	98 DHR 0729	Phipps	09/09/98	
Christopher Germano, Lee Germano v. Department of Health	98 DHR 0780	Owens	07/28/98	
Carol and Conrad Kunkel v. Department of Human Services	98 DHR 1047	Smith	12/04/98	
E. Jean Woods v. EDS - Medicaid	98 DHR 1118	Gray	10/26/98	
Bernadette Anderson v. Department of Health & Human Services	98 DHR 1257	Morrison	12/11/98	
Cheryl Lynn Staton v. Department of Health & Human Services	98 DHR 1259	Smith	11/30/98	
Mary Barrier v. Administrative Hearing	98 DHR 1287	Chess	11/19/98	
<b><i>Division of Child Development</i></b>				
Dulatown Presbyterian Children's Ctr. v. DHHS, Child Development	98 DHR 0654	Gray	08/06/98	
Cassandra Myers v. Division of Child Development	98 DHR 0948	Owens	09/03/98	
Dulatown Presbyterian Children Ctr. v. DHR, Child Development	98 DHR 1112	Morrison	10/16/98	
Dora's Child Development Center v. Mecklenburg Cty DSS, and DHR	98 DHR 1184	Phipps	09/25/98	
<b><i>Division of Facility Services</i></b>				
Pearlie W. Lawson v. DHHS, Facility Svcs., Health Care Personnel Reg.	97 DHR 1034	Becton	07/30/98	
Annie K. Morgan v. Health & Human Services, Facility Services	97 DHR 1046*	Phipps	07/23/98	
Mooreville Hospital Mgmt. Associates, Inc. d/b/a Lake Norman Regional Medical Center v. DHR, Facility Services, Certificate of Need Section and Autumn Corporation and McKinley V. Jurney	97 DHR 1209	Reilly	06/23/98	
Warren Moore & Catherine Moore v. DHR, Div. of Facility Services	97 DHR 1279	Mann	09/08/98	
Constellation Health Services, Inc. and Constellation Senior Services, Inc. v. DHR, Facility Services, Group Care Licensure Section and Diversified Health Group, L.L.C. and The Innovative Health Group, Inc.	97 DHR 1529	Gray	06/24/98	
Dialysis Care of NC, LLC, d/b/a Dialysis Care of Rowan County v. DHR, Division of Facility Services, Certificate of Need Section v. Biomedical Applications of NC, Inc. d/b/a BMA of Kannapolis d/b/a Metrolina Kidney Center of Kannapolis (Lessee) and Metrolina Nephrology Associates, P.A. (Lessor)	97 DHR 1588	Phipps	08/31/98	
Robin Annette Reavis v. Health and Human Svcs., Div. of Facility Svcs.	97 DHR 1672	Reilly	08/12/98	
Jennifer Blofeld v. DHHS, Facility Svcs., Health Care Personnel Registry	98 DHR 0096	Gray	08/21/98	
Sunlite Retirement Home, Winnie Jane Johnson v. DHR, Facility Services	98 DHR 0124	Phipps	06/11/98	
Helen Shokoti v. Health and Human Services, Div. of Facility Services	98 DHR 0173	Chess	08/26/98	
Ann Davis Rest Home v. Group Care Licensure Section	98 DHR 0197	Phipps	06/23/98	
Diane Lingard v. DHR, Facility Svcs., Health Care Personnel Reg.	98 DHR 0214	Becton	06/22/98	
Kimberly Annette Smith Hull v. DHHS, Division of Facility Services	98 DHR 0239	Phipps	06/23/98	
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v. DHHS, Div. of Facility Services, Certificate of Need Section, and Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.	98 DHR 0244* <sup>15</sup>	Phipps	11/24/98	13 12 NCR 1018
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v. DHHS, Div. of Facility Services, Certificate of Need Section, and Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.	98 DHR 0245* <sup>15</sup>	Phipps	11/24/98	13.12 NCR 1018
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v. DHHS, Div. of Facility Services, Certificate of Need Section, and Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.	98 DHR 0247* <sup>15</sup>	Phipps	11/24/98	13 12 NCR 1018
Deborah Ann Holt v. DHHS, Division of Facility Services	98 DHR 0348	Phipps	06/22/98	
Terr Michelle Tyler v. Health & Human Svcs., Div. of Facility Services	98 DHR 0458	Gray	08/21/98	
Doris Jones Holmes v. DHHS, Facility Svcs., Health Care Personnel Reg.	98 DHR 0463	Gray	08/21/98	
Annie K. Morgan v. Health & Human Services, Facility Services	98 DHR 0496*	Phipps	07/23/98	
Shirley Bowling v. DHHS, Facility Services, Health Care Personnel Reg.	98 DHR 0547	Gray	11/09/98	
Johnnie E. Williams v. DHHS, Division of Facility Services	98 DHR 0639	Reilly	07/02/98	
Christy Jeton Hall v. DHHS, Division of Facility Services	98 DHR 0706	Gray	10/12/98	
Judith May Gale v. DHHS, Division of Facility Services	98 DHR 0739	Owens	12/16/98	

# CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Latonia Denise Thomas v. DHHS, Division of Facility Services	98 DHR 0809	Gray	10/23/98	
Tracey Deirde Galloway v. DHHS, Facility Svcs., Health Care Per. Reg.	98 DHR 0824	Gray	09/24/98	
Happy Dan's Home, Gladys Cooke v. Facility Svcs., Group Care Lic. Sect.	98 DHR 0885	Owens	11/19/98	
Rose Marie Hadley v. DHHS, Division of Facility Services	98 DHR 0970	Smith	10/08/98	
Bridgette Taylor v. Nurse Aide I Program, DFS	98 DHR 1283	Mann	12/14/98	
<i>Division of Medical Assistance</i>				
Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas Medical Ctr. and Harry Mahannah, M.D. v. DHHS, Division of Medical Assistance	97 DHR 0621	Smith	07/08/98	
Isaiah Smith, Jr., by/through his Guardian, Lawrence E. Thompson, III v. DHHS, Division of Medical Assistance	98 DHR 0273	Gray	12/07/98	
Alic F. Schneider, Julia R. Hammonds v. DHHS, Medical Assistance	98 DHR 0994	Morrison	10/29/98	
<i>Division of Social Services</i>				
William & Crystal Steakley v. DHHS, Division of Social Services	98 DHR 0076	Gray	07/20/98	
Raji Abdus-Salaam v. Department of Human Resources, DSS-DCA	98 DHR 0771	Owens	07/30/98	
<i>Child Support Enforcement Section</i>				
Robert H. Black v. Guilford County Child Support Enforcement	96 CRA 1548	Mann	10/09/98	
Dorman E. Drake v. Department of Human Resources	96 CRA 1717	Smith	08/25/98	
Garry R. McNeill v. Department of Human Resources	96 CRA 1743	Reilly	10/22/98	
Robert Alan Davis v. Department of Human Resources	96 CRA 1781*	Phipps	08/20/98	
Michael W. White v. Department of Human Resources	96 CRA 1784	Gray	09/25/98	
Troy R. Emmons, Jr. v. Department of Human Resources	96 CRA 1798	Reilly	08/25/98	
Marvin A. Pike v. Department of Human Resources	96 CRA 1814	Chess	09/24/98	
Mary Putnam Avery v. DSS, Durham County Child Support Enforcement	96 CRA 1849	Morrison	09/01/98	
Anthony B. Griffin v. Department of Human Resources	96 CRA 1855	Gray	12/18/98	
Gilbert G. Gray v. Department of Human Resources	96 CRA 1858	Morrison	10/08/98	
Jimmy Dorsey v. Department of Human Resources	96 CRA 1862	Smith	12/15/98	
Herbert Leon Sellers v. Department of Human Resources	96 CRA 1932	Smith	11/06/98	
Gregory Boren v. Department of Human Resources	96 CRA 1945	Gray	12/14/98	
David W. Davis v. Department of Human Resources	96 CRA 1976	Smith	11/06/98	
Dale W. Hutchinson v. Department of Human Resources	96 CRA 1981	Mann	08/26/98	
Kelvin Cherry v. Department of Human Resources	97 CRA 0026	Gray	12/14/98	
Joe A. Lynch v. Department of Human Resources	97 CRA 0045	Phipps	10/09/98	
Gary W. Wampler v. Department of Human Resources	97 CRA 0187	Smith	12/15/98	
Kenneth Eugene Scott v. Department of Human Resources	97 CRA 1232	Chess	11/06/98	
Mark Owens Frink v. Department of Human Resources	97 CRA 1524	Mann	10/09/98	
Jeffery Lee Graves v. Department of Human Resources	98 CRA 0137	Becton	06/23/98	
Donald L. Carr, Jr. v. Department of Human Resources	98 CRA 0545	Reilly	06/08/98	
Marvin Diggs v. Department of Human Resources	98 CRA 0588	Reilly	06/24/98	
Michael Patrick Dyme v. Department of Health & Human Services	98 CRA 0787	Gray	09/17/98	
Paula C. Freeman v. Department of Health & Human Services	98 CRA 1117	Smith	12/18/98	
Sherman L. Arnold Sr. v. Department of Health & Human Services	98 CRA 1152	Mann	10/28/98	
Dennis Lee McNeill v. Department of Human Resources	96 CSE 1305	Gray	06/22/98	
Byron O. Ashby II v. Department of Human Resources	96 CSE 1435	Mann	07/15/98	
Hubert L. Morrison v. Department of Human Resources	96 CSE 1649	Reilly	08/12/98	
Robert Alan Davis v. Department of Human Resources	96 CSE 1780*	Phipps	08/20/98	
Larry S. Robinson v. Child Support Enforcement Agency	96 CSE 1848	Gray	11/05/98	
Darryl C. Thompson v. Department of Health & Human Services	96 CSE 1854* <sup>13</sup>	Chess	09/01/98	
Darryl C. Thompson v. Department of Health & Human Services	96 CSE 1902* <sup>13</sup>	Chess	09/01/98	
Michael J. Burgess v. Department of Human Resources	96 CSE 1989	Mann	12/10/98	
Michael Anthony Hill v. Department of Human Resources	96 CSE 2028	Mann	08/26/98	
Joseph L. Hill v. Department of Human Resources	97 CSE 0624	Chess	11/06/98	
Michael A. Wilder v. Department of Human Resources	97 CSE 1301	Chess	07/17/98	
Billy Anthony Jr. v. Department of Human Resources	97 CSE 1393	Reilly	06/24/98	
James B. Benson v. Department of Human Resources	97 CSE 1399	Gray	12/14/98	
Lawrence Wilkes v. Department of Human Resources	97 CSE 1419	Gray	11/17/98	
Alton D. Bagley v. Department of Human Resources	97 CSE 1424	Chess	06/02/98	
Bernel B. Berry Jr. v. Department of Human Resources	97 CSE 1435	Smith	06/12/98	
Darryl Simpkins v. Department of Health & Human Services	97 CSE 1436	Chess	08/11/98	
Anthony Montgomery v. Department of Human Resources	97 CSE 1442	Phipps	06/17/98	
Ternace Joan Ness v. Department of Human Resources	97 CSE 1450	Morrison	12/09/98	
Joseph Gerard McPhillips v. Department of Human Resources	97 CSE 1467	Mann	10/09/98	
Terry Letterman v. Department of Human Resources	97 CSE 1492	Smith	06/22/98	
William E. Mines v. Department of Human Resources	97 CSE 1527	Mann	09/08/98	
Christopher Alan v. Department of Human Resources	97 CSE 1544	Chess	10/16/98	
Annette Chipman v. Department of Human Resources	97 CSE 1545	Phipps	07/23/98	
Paul J. Mobley, Jr. v. Department of Human Resources	97 CSE 1568	Phipps	06/17/98	
Alvin G. Piper v. Department of Health & Human Services	97 CSE 1599	Phipps	11/10/98	
Robert A. Sherer v. Department of Human Resources	97 CSE 1605	Mann	07/15/98	
Rodney A. Morrison v. Department of Human Resources	97 CSE 1611	Gray	10/23/98	
Gregory Andre Brown v. Department of Health & Human Services	97 CSE 1656	Gray	08/27/98	
Rodger Hazen II v. Department of Human Resources	97 CSE 1666	Chess	07/17/98	

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Marion Arnett v Department of Human Resources	97 CSE 1685	Mann	12/10/98	
Wade A. Burgess v Department of Human Resources	98 CSE 0071	Morrison	06/12/98	
Robert L. Robinson v Department of Human Resources	98 CSE 0130	Reilly	07/15/98	
Jamie A. Hurtt v Department of Health & Human Services	98 CSE 0307	Morrison	07/06/98	
Renardo Jenkins v Department of Human Resources	98 CSE 0310	Smith	06/23/98	
Anthony Love v Department of Human Resources	98 CSE 0312	Phipps	06/23/98	
Eric Baldwin v Department of Health & Human Services	98 CSE 0319	Phipps	12/15/98	
Steven Kent Gold v Department of Human Resources	98 CSE 0333	Morrison	07/01/98	
Leroy J. Poole v Department of Human Resources	98 CSE 0375	Reilly	07/02/98	
Hoyal A. McLean v Department of Health & Human Services	98 CSE 0420	Smith	07/29/98	
Michael Bernard Hill v Department of Health & Human Services	98 CSE 0421	Becton	07/15/98	
Terry M. Cable v Department of Human Resources	98 CSE 0433	Phipps	12/09/98	
Charlie Ratliff Jr v Department of Health & Human Services	98 CSE 0449	Mann	07/15/98	
Donald W. Lee v Department of Health & Human Services	98 CSE 0469	Gray	11/09/98	
Bobby D. Cook v Department of Health & Human Services	98 CSE 0483	Reilly	10/06/98	
John B. Hall v Department of Human Resources	98 CSE 0506	Chess	07/20/98	
Derrick A. Brinton v Department of Human Resources	98 CSE 0555	Smith	08/07/98	
Tabatha D. Pate v Department of Human Resources	98 CSE 0556	Becton	06/23/98	
Amanda F. Blount v Department of Human Resources	98 CSE 0560	Chess	07/29/98	
Gregory Carty (IV #1564206) v Department of Human Resources	98 CSE 0561*14	Phipps	09/23/98	
Gregory Carty (IV #1564166) v Department of Human Resources	98 CSE 0562*14	Phipps	09/23/98	
John L. Bullard v Department of Human Resources	98 CSE 0569	Morrison	08/06/98	
Frank A. Cotton v Department of Human Resources	98 CSE 0578	Gray	10/06/98	
Charlie Gray Hunt Jr v Department of Human Resources	98 CSE 0607	Smith	06/22/98	
Willie R. Cruse v Department of Health & Human Services	98 CSE 0653	Mann	08/26/98	
Thomas H. Lotze, Jr v Department of Health & Human Services	98 CSE 0658	Phipps	08/31/98	
Robert L. Williams v Department of Human Resources	98 CSE 0682	Smith	06/22/98	
Patrick Bass v Department of Health & Human Services	98 CSE 0689	Owens	09/18/98	
Tawanna Wheeler v Department of Health & Human Services	98 CSE 0691	Owens	10/09/98	
Timothy Kinney v Department of Health & Human Services	98 CSE 0728	Smith	09/17/98	
Teresa L. Galloway v Department of Health & Human Services	98 CSE 0769	Becton	07/30/98	
Michael A. Looper v Department of Health & Human Services	98 CSE 0783	Chess	09/08/98	
Kenneth E. Strickland v Department of Health & Human Services	98 CSE 0817	Mann	09/08/98	
Hoyt H. Bunt Jr v Department of Health & Human Services	98 CSE 0818	Morrison	09/15/98	
Vernon Reginald Pinkney v Department of Health & Human Services	98 CSE 0833	Owens	07/29/98	
Elijah G. Deans v Department of Health & Human Services	98 CSE 0867	Phipps	07/20/98	
James Howard Alexander v Department of Health & Human Services	98 CSE 0869	Reilly	08/06/98	
Lee J. Coggins v Department of Human Resources	98 CSE 0894	Smith	08/20/98	
Mark J. Houlbrook v Department of Health & Human Services	98 CSE 0949	Smith	09/08/98	
Henry A. Harriel, Jr v Department of Health & Human Services	98 CSE 0975	Chess	09/01/98	
Amanda F. Haviland Blount v Department of Health & Human Services	98 CSE 0985	Mann	11/18/98	
Denilra Jeffries v Department of Health & Human Services	98 CSE 1036	Morrison	09/15/98	
Bryan L. Barksdale v Department of Health & Human Services	98 CSE 1052	Morrison	10/09/98	
Karen Mitchell v Department of Human Resources	98 CSE 1095	Reilly	10/06/98	
Robert S. Willett v Department of Health & Human Services	98 CSE 1153	Chess	11/19/98	
Issac L. Huey v Department of Health & Human Services	98 CSE 1301	Owens	12/11/98	
Bill G. Seamans v Scotland Cty Child Sup Enf-Scotland County DSS	98 CSE 1391	Phipps	12/09/98	
Curtis M. Threatt v Department of Health & Human Services	98 CSE 1447	Phipps	12/18/98	
Sammy Ray Smith v Department of Health & Human Services	98 CSE 1474	Reilly	12/18/98	
Vickie E. Lane v Michael L. Adams, Department of Human Resources	96 DCS 2105	Gray	07/08/98	
Carla P. Robinson v Department of Human Resources	97 DCS 0124	Reilly	11/10/98	
Rachel D. Farmer v Department of Health & Human Services	97 DCS 0251	Phipps	08/31/98	
Janice Scott Padgett (Fisher) v Department of Human Resources	97 DCS 1219	Smith	07/29/98	
Barbara Fanta-Blandine v Department of Human Resources	97 DCS 1486	Morrison	06/22/98	
Sharon Brim v Department of Health & Human Services	97 DCS 1574	Gray	08/04/98	
Karen White v Department of Human Resources	98 DCS 0053	Chess	12/14/98	
Sherry L. Hampton v Department of Human Resources	98 DCS 0257	Morrison	12/01/98	
Terita M. Sharpe v Department of Human Resources	98 DCS 0468	Morrison	06/09/98	
Sherisse Stancel Kelly v Department of Human Resources	98 DCS 0508	Mann	12/16/98	
Ruth McFadden v Department of Human Resources	98 DCS 0675	Reilly	07/15/98	
<b>Division of Women's and Children's Health</b>				
Khamis A. Sirhan v DHHS, Women's/Children's Health, Nutrition Svcs	98 DHR 0219	Reilly	08/11/98	
Joseph A. Nawas v DHHS, Women's/Children's Health, Nutrition Svcs	98 DHR 0637	Phipps	07/02/98	
Mohamad I. Rahman v DHHS, Women's/Children's Hlth, Nutr Svcs Sect	98 DHR 0923	Chess	11/06/98	
Evelyn Powell v Nutrition Services Section	98 DHR 1135	Smith	11/13/98	
<b>JUSTICE</b>				
James Todd Tippet v NC Company Police Program	97 DOJ 1368	Phipps	09/10/98	
<b>Alarm Systems Licensing Board</b>				
Claude David Huggins v Alarm Systems Licensing Board	98 DOJ 0871	Morrison	07/09/98	
Jay Michael Ratcliff v Alarm Systems Licensing Board	98 DOJ 1345	Owens	11/19/98	
Robert Derek Ross v Alarm Systems Licensing Board	98 DOJ 1494	Morrison	12/10/98	

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Barry D. Lyman v. Alarm Systems Licensing Board	98 DOJ 1496	Smith	12/16/98	
<b><i>Auctioneer Licensing Board</i></b>				
Wiley R. Tyndall v. Auctioneer Licensing Board	97 DOJ 1236	Phipps	07/24/98	
Gavin Haviv Abadi v. Auctioneer Licensing Board	98 DOJ 1060	Smith	10/21/98	
<b><i>Education and Training Standards Division</i></b>				
Thomas Dwayne Brown v. Sheriffs' Education & Training Standards Comm	97 DOJ 1319	Phipps	07/29/98	
Kenneth Joseph Jackson v. Sheriffs' Education & Training Standards Comm	97 DOJ 1578**	Gray	08/20/98	
Odis Fitzgerald Darden v. Sheriffs' Education & Training Standards Comm	97 DOJ 1698	Reilly	06/12/98	
Kenneth Earl Brantley v. Criminal Justice Ed. & Training Stds. Comm	98 DOJ 0046	Gray	11/04/98	13 11 NCR 935
Hoyle Kenneth Wise, Jr. v. Sheriffs' Education & Training Standards Comm	98 DOJ 0022	Smith	07/14/98	
Hearl Oxendine v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0121	Smith	06/22/98	
James Farrell Roberts v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0147	Smith	07/16/98	
Phillip Keith McPherson v. Sheriffs' Education & Training Standards Comm	98 DOJ 0388	Reilly	07/24/98	
Daryl LaMar Bryant v. Sheriffs' Education & Training Standards Comm	98 DOJ 0430	Gray	07/21/98	
Harold F. Esters v. Sheriffs' Education & Training Standards Comm	98 DOJ 0431	Gray	08/21/98	
William Scott Key v. Sheriffs' Education & Training Standards Comm	98 DOJ 0432	Becton	06/08/98	
Cecil W. Duke, Jr. v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0479	Chess	10/07/98	
Amado Martinez v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0526	Morrison	09/09/98	
Johnny Wayne Wills v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0574	Chess	07/30/98	
James E. Ellerbe v. Sheriffs' Education & Training Standards Comm	98 DOJ 0600	Morrison	08/07/98	
Paul Harvey Taylor v. DOJ, Criminal Justice Ed. & Training Stds. Comm	98 DOJ 0841	Phipps	09/16/98	
Kenneth Joseph Jackson v. Sheriffs' Education & Training Standards Comm	98 DOJ 0847**	Gray	08/20/98	
Kelly Suzanne Mayberry v. Sheriffs' Education & Training Stds. Comm	98 DOJ 0875	Chess	11/13/98	
Robert Ryan Hardison v. Sheriffs' Education & Training Standards Comm	98 DOJ 0878	Phipps	09/08/98	
Tracey Jerome Clark v. Sheriffs' Education & Training Standards Comm	98 DOJ 0879	Owens	08/31/98	
Kevin Lamar Dorsey v. Sheriffs' Education & Training Standards Comm	98 DOJ 0930	Phipps	09/22/98	
Willoughby McCormick, Jr. v. Sheriffs' Ed. & Training Standards Comm	98 DOJ 1007	Reilly	10/13/98	
<b><i>Private Protective Services Board</i></b>				
Wayne Carey v. Private Protective Services Board	98 DOJ 0619	Owens	11/19/98	
Claims Verification, Inc. v. Private Protective Services Board	98 DOJ 0848	Smith	08/04/98	
Walter R. Shirer v. Private Protective Services Board	98 DOJ 0937	Morrison	09/17/98	
Stacey L. Williams v. Private Protective Services Board	98 DOJ 0938	Morrison	08/18/98	
Eugene Norman Garrett v. Private Protective Services Board	98 DOJ 0939	Morrison	08/18/98	
G. Russell Smith v. Private Protective Services Board	98 DOJ 0940	Owens	11/19/98	
David C. Brisson v. Private Protective Services Board	98 DOJ 0941	Owens	11/19/98	
Danny Charles Garrett v. Private Protective Services Board	98 DOJ 1081	Morrison	09/17/98	
David C. Truesdale v. Private Protective Services Board	98 DOJ 1082	Morrison	12/10/98	
Dennis Ray Hyatt v. Private Protective Services Board	98 DOJ 1139	Owens	11/19/98	
Alfred D. Malson v. Private Protective Services Board	98 DOJ 1141	Morrison	09/29/98	
Rodney Hamilton Marsh v. Private Protective Services Board	98 DOJ 1142	Owens	11/04/98	
Melvin Eugene Davis v. Private Protective Services Board	98 DOJ 1145	Morrison	09/22/98	
Glen Leon Fichette v. Private Protective Services Board	98 DOJ 1307	Owens	11/03/98	
Arvin Itwaru v. Private Protective Services Board	98 DOJ 1493	Morrison	12/10/98	
<b>LABOR</b>				
Hildreth Mechanical & Maintenance v. Labor/Labor Standards	98 DOL 0903	Mann	11/04/98	
Labor World, Eric Feinstein v. Labor, Harry E. Payne, Jr.	98 DOE 1256	Gray	11/05/98	
<b>BOARD OF MEDICAL EXAMINERS</b>				
Joe D. Crawford, MD v. Medical Bd. of NC Bd. of Medical Examiners	98 BME 0870	Owens	07/30/98	
<b>PUBLIC INSTRUCTION</b>				
Linda & Danny Howard for Nikki Howard v. DHHS, Murdoch Center	97 EDC 1047	Gray	11/03/98	
George & Ruth Sinclair for Adam Sinclair v. Wake County Schools (Special Education Services)	97 EDC 1233	Phipps	08/11/98	
Nicholas Eirschele, By and Through His Parents, Charles & Kathleen Eirschele v. Craven County Board of Education	97 EDC 1234	Phipps	07/16/98	
Dewitt Brinson & Elizabeth Brinson v. Craven County Board of Education	97 EDC 1298	Phipps	10/26/98	
Gene Edward Lloyd v. Department of Public Instruction	98 EDC 0110	Reilly	09/10/98	
Mrs. Phyllis Y. Moore v. Cumberland County Schools	98 EDC 0305	Gray	08/05/98	
Laney Bruce Harrill v. State Board of Education	98 EDC 0350	Smith	09/17/98	
L. K. on behalf of her son, J. H., as well as on her own behalf v. St. Bd./Ed.	98 EDC 0370	Smith	10/14/98	
Joseph J. Sarrero v. Department of Public Instruction	98 EDC 0459	Owens	08/10/98	
M.E. and her husband, P.E., individually, and on behalf of their son, C.E. v. Bd. of Ed. for Buncombe Cty. a/k/a Buncombe Cty. Public Schools, et al	98 EDC 0566	Gray	10/01/98	
Linda & Danny Howard for Nikki Howard v. Lenoir Cty. Bd. of Ed.	98 EDC 1047	Gray	10/30/98	
<b>STATE BAR</b>				
Linda R. Sharp v. North Carolina State Bar	98 BAR 1344	Morrison	11/09/98	

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<b>STATE PERSONNEL</b>				
<i>Department of Administration</i>				
David Grigsby v NC Commission of Indian Affairs	98 OSP 0428	Morrison	12/14/98	
<i>Community Colleges</i>				
Dr William R Strickland v NC Community College System	98 OSP 1305	Gray	12/07/98	
<i>Department of Correction</i>				
Annie D Dizon v NC Correctional (Inst ) Center for Women	97 OSP 0166	Mann	11/06/98	
Terry T Rees v Department of Correction	97 OSP 1671 <sup>*4</sup>	Smith	06/30/98	
Mohammad H Baloch, M D v Department of Correction	98 OSP 0014	Gray	09/01/98	
Leon Owens v Department of Correction	98 OSP 0050	Becton	07/10/98	
Terry T Rees v Department of Correction	98 OSP 0119 <sup>*4</sup>	Smith	06/30/98	
Michael A Smith v Department of Correction	98 OSP 0231 <sup>*9</sup>	Reilly	08/11/98	
Michael A Smith v Department of Correction	98 OSP 0317 <sup>*9</sup>	Reilly	08/11/98	
Jayne D Bledsoe v Correction, Div of Adult Probation & Parole	98 OSP 0543	Owens	07/29/98	
Carl W Craven, II v Pender Correctional Institution	98 OSP 0633	Smith	06/25/98	
Ervin Shaw v Martin Homer, Asst Super Corr, Sandy Ridge Corr Ctr	98 OSP 0671	Phipps	10/09/98	
Joseph Szilagyi v Department of Correction	98 OSP 0757	Owens	10/05/98	
Dennis S Harrell v Dept of Correction, Caledonia Correctional Institute	98 OSP 0846	Morrison	09/08/98	
Tommy L Hancock v Department of Correction	98 OSP 0881	Owens	08/04/98	
Tommy L Hancock v Department of Correction	98 OSP 0882	Owens	10/09/98	
Bertha Darden v Raymond Smith & Dept of Correction, Central Prison	98 OSP 0905	Smith	09/25/98	
Robert C Lowder v Brown Creek Correctional Institution	98 OSP 0984	Owens	12/02/98	
Ruth Moseley v Department of Correction	98 OSP 1092	Gray	10/07/98	
Lamont M Burt v Department of Correction	98 OSP 1115	Smith	10/06/98	
Leo Powell v Harnett Correctional Institute, Department of Correction	98 OSP 1175	Owens	11/25/98	
Amos Boone v Department of Correction	98 OSP 1188	Smith	12/15/98	
Nona W Hubbard v DOC, Division of Community Corrections	98 OSP 1214	Owens	10/27/98	
Robert R Stovall v Department of Correction	98 OSP 1282	Phipps	10/26/98	
Harold Keith Hamm v Dept of Correction Enterprise/Personnel Off	98 OSP 1409	Gray	12/16/98	
Joseph A Harrell v Correction, Div of Adult Probation & Parole	98 OSP 1411	Gray	12/11/98	
<i>Crime Control and Public Safety</i>				
Roger D Davis v Crime Control & Public Safety, St Hwy Patrol	97 OSP 0617	Chess	05/27/98	
Albert R Little v Crime Control & Public Safety, Info Sys Specialists	97 OSP 1157	Morrison	07/22/98	
Thomas E. Carlton v Crime Control & Public Safety, St Hwy Patrol	98 OSP 0919	Phipps	09/24/98	
<i>Eastern North Carolina School for the Deaf</i>				
Cathy A Lancaster v Eastern North Carolina School for the Deaf	98 OSP 0482	Gray	11/30/98	
<i>Employment Security Commission</i>				
Jane B Bolin and Arlene G Sellers v Employment Security Commission	97 OSP 1122 <sup>*1</sup>	Chess	06/02/98	
Jane B Bolin and Arlene G Sellers v Employment Security Commission	97 OSP 1134 <sup>*1</sup>	Chess	06/02/98	
<i>Environment and Natural Resources</i>				
Charles Anthony Bruce v ENR, Division of Parks and Recreation	98 OSP 0240	Reilly	06/08/98	
<i>Health and Human Services</i>				
Annette Honea v Department of Human Resources	96 OSP 0833	Chess	08/24/98	
Angela M Miles v Cumberland County Department of Social Services	97 OSP 0613 <sup>*5</sup>	Gray	07/10/98	
Shung Fung-Chin v Department of Human Resources, Caswell Center	97 OSP 0638 <sup>*10</sup>	Chess	08/13/98	
Walker Cannon v DHR/Caswell Center	97 OSP 0731	Phipps	11/30/98	
Charity Swick v Cumberland County Department of Social Services	97 OSP 0775	Gray	07/10/98	
Yolandra Best and Roy Hudson v DHHS, John Umstead Hospital	97 OSP 0862 <sup>*11</sup>	Chess	08/13/98	
Yolandra Best and Roy Hudson v DHHS, John Umstead Hospital	97 OSP 0863 <sup>*11</sup>	Chess	08/13/98	
Kenneth Dippel v Columbus County Dept of Social Services	97 OSP 0905	Gray	11/09/98	
Fred Foster, Jr v Department of Health and Human Services	97 OSP 1287 <sup>*12</sup>	Smith	08/20/98	
Shung Fung-Chin v Department of Human Resources, Caswell Center	97 OSP 1530 <sup>*10</sup>	Chess	08/13/98	
Ruth Holroyd v Montgomery Cty DSS, Children's Services	97 OSP 1586	Smith	05/27/98	13 02 NCR 257
Tilda D Whitaker v Nash County Health Department Board of Directors	97 OSP 1665	Gray	12/02/98	
Fred Foster, Jr v Department of Health and Human Services	97 OSP 1701 <sup>*12</sup>	Smith	08/20/98	
James W Crews v DHHS, Murdoch Center	98 OSP 0060	Gray	07/20/98	
Patricia R Quick v DHHS, Dorothea Dix Hospital	98 OSP 0061	Becton	07/16/98	
Angela M Miles v Cumberland County Department of Social Services	98 OSP 0084 <sup>*5</sup>	Gray	07/10/98	
Delores Laverne Rich v Health & Human Services, Dorothea Dix Hosp	98 OSP 0120	Gray	07/08/98	
Elwin C Munson v Health & Human Services, Juvenile Evaluation Center	98 OSP 0140	Phipps	10/28/98	
Fred Foster, Jr v Department of Health and Human Services	98 OSP 0187 <sup>*12</sup>	Smith	08/20/98	
David A Kilpatrick v Health & Human Services, Caswell Center	98 OSP 0271	Owens	08/13/98	

\* Consolidated Cases.

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Fred Foster, Jr v Department of Health and Human Services	98 OSP 0403* <sup>12</sup>	Smith	08/20/98	
Laura Blanton v Cleveland Center	98 OSP 0453	Smith	10/02/98	
Anthony M. Ruiz v Department of Health & Human Svcs, Youth Svcs	98 OSP 0454	Gray	06/04/98	
Rudolph Waters v DHHS, Youth Services, Dobbs School	98 OSP 0474	Morrison	07/30/98	
Euwell Falconer v Karen A. Andrews, Gaston-Lincoln Area Mental Health	98 OSP 0538	Reilly	08/06/98	
Jeffrey L. Williams v Dorothea Dix Hospital	98 OSP 0595	Becton	07/22/98	
Delores Laverne Rich v DHHS, Dorothea Dix Hospital	98 OSP 0763	Gray	12/02/98	
Barbara Jean Paquette v Durham County (respondent superior for the Durham County Public Library)	98 OSP 0765	Morrison	08/05/98	
Linda Paige v Center Point Human Services Forsyth Mental Health Forsyth Industrial Systems	98 OSP 0819	Smith	11/05/98	
Stanley K. Strong v Jimmy Summerville, Dobbs School, Youth Svcs	98 OSP 1017	Gray	12/07/98	
Derrick Skinner v Health & Human Services, Cherry Hospital	98 OSP 1035	Gray	09/21/98	
Paul L. Long v Department of Health & Human Services	98 OSP 1202	Owens	12/16/98	
<b>Department of Insurance</b>				
Patricia Casey Rollins v Department of Insurance	95 OSP 0729	Chess	12/14/98	
<b>Department of Justice</b>				
Linda Margaret Koss v State Bureau of Investigation	97 OSP 0189	Chess	08/14/98	
<b>Department of Public Instruction</b>				
Lillie Burnette Pearsall v Wayne Cty Bd of Ed, Mrs Veda McNair and Mr Steve Taylor	98 OSP 0944	Smith	08/25/98	
<b>Secretary of State</b>				
Jonathan M. Demers v Department of Secretary of State	97 OSP 1018	Becton	07/07/98	13 03 NCR 343
<b>Department of Transportation</b>				
Pasquale Vendettuoli v Department of Transportation	97 OSP 1090	Morrison	12/19/98	
Johnny O. Shivar v Department of Transportation	97 OSP 1366	Reilly	09/01/98	
Teresa G. Mitchell v Department of Transportation	97 OSP 1565	Smith	12/09/98	
Larry W. Davis v Department of Transportation	98 OSP 0241	Gray	07/08/98	
Sherry Lynn Noles v Department of Transportation-NCDMV	98 OSP 0269	Chess	08/11/98	
Clarice Goodwin Arthur v Department of Transportation, Ferries Division	98 OSP 0864	Phipps	09/24/98	
<b>University of North Carolina</b>				
Joseph A. Bryant v North Carolina A & T University	96 OSP 1698* <sup>16</sup>	Mann	12/02/98	
Joseph A. Bryant v North Carolina A & T University	97 OSP 0242* <sup>16</sup>	Mann	12/02/98	
Douglas Love, Jr v UNC Hospitals	97 OSP 0662	Reilly	06/08/98	
Deborah J. Fenner v NC Central University	97 OSP 0902	Chess	05/29/98	
Joyce M. Smith v North Carolina Central University	97 OSP 1297	Smith	06/25/98	
Edwin Swain v University of North Carolina at Chapel Hill	97 OSP 1694	Morrison	07/31/98	
Patricia A G. Roberts v Asst./Chan./Qty. Mgmt./Dir. Human Res. UNCW	98 OSP 0178	Phipps	10/08/98	
Leo Watford, Roosevelt Parris, Claiborne Baker, et al v University of North Carolina at Chapel Hill	98 OSP 0254	Chess	07/17/98	
Johnny Johnson, Jr v A & T St. University, Student Union-Grievance Bd	98 OSP 0299	Owens	09/02/98	
Jessie L. Johnson v Bernard K. Locklear, UNC at Pembroke	98 OSP 0444	Gray	09/29/98	
Jonathan L. Fann v North Carolina State University Physical Plant	98 OSP 0465	Becton	07/17/98	
Greta M. Hawthorne v University of NC at Pembroke	98 OSP 0831	Chess	09/11/98	
Robert W. Brinson v NC State University	98 OSP 0887	Owens	08/10/98	
Alberta A. Ingram-Peterson v NC Central University	98 OSP 1024	Smith	10/14/98	
Fred T. Jackson v UNC-Charlotte Recreational Facilities	98 OSP 1216	Smith	10/22/98	
Betty Parks v Winston Salem State University	98 OSP 1278	Chess	11/25/98	
Ronnie Bell v Dave Hillard, UNC at Charlotte	98 OSP 1330	Smith	11/10/98	
<b>STATE TREASURER</b>				
Hugh A. Wells v Consolidated Judicial Retirement System of NC, Bd of Trustees Teachers and State Employees' Retirement System	98 DST 0316	Morrison	06/05/98	13 01 NCR 166
Walter Williams v Bd of Trustees NC Local Gov. Emp. Retirement Sys	98 DST 0774	Smith	12/08/98	
<b>TRANSPORTATION</b>				
David Warren Dew et al v Motor Vehicles, Alexander Killens Comm	95 DOT 1144	Gray	06/04/98	
<b>UNIVERSITY OF NORTH CAROLINA</b>				
Patricia D. Hall v University of North Carolina at Chapel Hill	98 UNC 0397	Reilly	08/20/98	
Ladonna P. James v UNC Hospitals	98 UNC 0591	Becton	07/20/98	
Joyceline Sellars v UNC Hospitals	98 UNC 1113	Smith	10/22/98	

STATE OF NORTH CAROLINA

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
96 DOA 0006

COUNTY OF ORANGE

OCCANEECHI BAND OF THE SAPONI NATION

Petitioner,

v.

NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS

Respondent.

**RECOMMENDED DECISION**

This matter was heard before Administrative Law Judge Dolores O. Smith on February 24, 1997 and July 20-28, 1998.

**APPEARANCES**

Petitioner: Alan McSurely  
Attorney at Law  
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Respondent: David Steinbock  
Assistant Attorney General  
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Attorney for Respondent

**ISSUE**

Did the Respondent err in denying Petitioner's application for tribal recognition?

**STATUTES AND RULES IN ISSUE**

N.C. Gen. Stat. 143B-406  
1 NCAC 15.0100 et seq  
1 NCAC 15.0200 et seq

**STATEMENT OF THE CASE**

1. It was asserted at the hearing and it is noted herein, that the issue before the Commission is not whether the Petitioners are Indian, but whether the Petitioners are a "tribe" as defined by the regulations.

2. After one day of hearing in February of 1997, the Parties requested and agreed that the matter be sent to mediation before continuing with any additional days of the hearing. The Motion was allowed and the matter was put before a mediator. After approximately a year and a half, the mediation was declared at an impasse and the matter proceeded to hearing.

3. Evidence was presented to indicate that at least one supplement, the 1995 supplement, may never have been reviewed by the Recognition Committee. Additionally, material continued to be presented, albeit informally, to the Recognition Committee throughout the period of the contested case, the mediation and the hearing. The parties were questioned but could not delineate which material had been known to the Commission at any particular time in their deliberations. However, at the hearing, the Commission adopted its decision to deny the Petition notwithstanding any of the information which had been submitted to it after its last official denial. The undersigned therefore is considering all information presented at the hearing as if it had been known to the Commission at the time of its denial.

4. The burden of proof in showing that this petitioning group should be awarded tribal recognition rests squarely with

the petitioning group.

That burden includes not only researching material to show that the Petitioner satisfies the regulations, but also includes the burden of presenting that material to the Commission in a clear manner and in a manner which requires no research other than that which is necessary for the purpose verification. Some sections of the Petition for Recognition and the subsequent submissions were clearly spelled out but others were not. If the Commission could not decipher data because of unreadable photocopies or illegible ancient handwriting, the Commission did not have the burden of continuously seeking clarification of those items.

5. During the deliberation period, the Petitioning Group was asked for direction to locations of items of evidence. This was necessary because of the voluminous amount of evidence and because of the difficulty in reading ancient documents. During this time, no new evidence was allowed. Petitioner's Motion to admit into evidence its replies to the questions along with its alleged duplicate submissions was denied. Evidence which was not clearly admitted was categorically disregarded such as the two important but previously unseen depositions of Nancy Davis and William Harris.

6. The quest for self-identity, especially from people so long abused, is an attractive and romantic notion. However, to be influenced by such concerns is, in the opinion of the undersigned, bias and has not been allowed to enter into deliberations.

Based upon careful consideration of the testimony and evidence presented at the hearing, the documents and exhibits received into evidence, and the entire record in this proceeding, the undersigned makes the following:

**FINDINGS OF FACT**

1. North Carolina General Statute §143B-404 created the North Carolina Commission of Indian Affairs.

2. N.C. Gen. Stat. 143B-405 sets out the duties of the Commission and G.S. 143B-406 provides that the Commission shall establish appropriate procedures for legal recognition by the State of presently unrecognized groups and tribes.

3. To that end, the Commission promulgated recognition rules which are set out in the North Carolina Administrative Code, Title 1, r. 15. 0202 et seq.

4. Also, to that end, the Commission established a Recognition Committee. The Recognition Committee is mandated with the duty to review Petitions and make presentations and recommendations to the full Commission.

5. 1 NCAC 15. 0208 provides that a group may petition for recognition either as an Indian tribe or as an Indian organization or group.

6. That same rule defines "Indian tribe" as:

... a population of Indian people all related to one another by blood, tracing their heritage to Indian tribes indigenous to North Carolina within the last 200 years...

7. 1 NCAC 15 .0211 provides that, "only tribes tracing back to Indian tribes indigenous to North Carolina for at least 200 years will be considered for recognition by the Commission."

8. 1 NCAC 15 .0209 lists eight criteria for tribal recognition and provides that at least five of those criteria must be met before a group can be recognized.

9. The criteria of 1 NCAC 15 .0209 are:

- (1) traditional North Carolina Indian names;
- (2) kinship relationships with other recognized Indian tribes;
- (3) official records such as birth, church, school or other recognizing the people as Indian;
- (4) letters or statements from state or federal authorities recognizing the people as Indian;
- (5) anthropological or historical accounts tied to the tribes' Indian ancestry;
- (6) letters or statements from presently recognized tribes or groups or their representatives attesting to the Indian heritage of the tribe;

- (7) any other documented traditions, customs, legends, etc. that signify the tribes' Indian heritage;
- (8) participation in or grants from sources or programs designated as for Indian only.

10. 1 NCAC 15 .0214 provides the following:

Each petitioning tribe or organization must submit to the commission a roll of its members as a condition to recognition. The tribal roll should list the names and addresses of the people and relate each one to their kinship ties.

11. At the time the Commission was deliberating on the creation of its rules, it looked for guidance to the federal government's rules on tribal recognition.

12. The Commission did not want its requirements for tribal recognition to be as stringent or as difficult to satisfy as those provided by the federal government.

13. For example, the federal regulations include the following two requirements;

- (a) 25 CFR 83.7(b) provides that the Petitioning group must inhabit a specific area "distinct from other populations;"
- (b) 25 CFR 83.7(c) provides that a petitioning group must provide facts establishing that the group "has maintained tribal political influence or authority over its members... throughout history until the present".

14. The State recognition criteria do **not** include requirements for a continuous political tribal organization, nor do they include a requirement for the existence of a community separate and distinct from other communities.

15. Additionally, there has historically been a criteria applied to people of mixed Indian blood known as "Blood Quantum". This reflects the amount of Indian blood in any particular person such as one-fourth, one-eighth, etc. and was, at times, used to define a person's degree of "Indian-ness." The North Carolina Commission of Indian Affairs has rejected the concept of a blood quantum analysis and, therefore, no such requirement is included in their regulations.

16. Some Commission members testified that while the amount of Indian blood is not relevant, living in the "Indian way" is. One Commission member testified, "You might have Indian heritage, but if you don't live as an Indian, you're not a tribe."

17. However, it is found as fact that there is no statute or rule which requires that the Petitioning Group be living in the "Indian way".

18. Some Commission members testified that if an ancestor denied his Indian heritage in order to get land or an education, "you are through as an Indian." There was also testimony that, you can not pick up and put down the title of "Indian" for your convenience. When asked if a descendent could later reclaim their Indian heritage, the response was, "No."

19. However, it is found as fact that there is no statute or rule which provides that ancestors may not have denied their heritage or culture.

20. On several occasions the Commission members testified that they have been looking in this Petition for a "rifle shot" straight back from a current tribal member to an ancestor described as a member of an indigenous tribe.

21. However, it is found as fact that there is no requirement that a Petitioning Group trace their heritage by direct evidence (a "rifle shot") and not by circumstantial evidence.

#### **CASE BACKGROUND**

22. On January 16, 1990, the Commission received a Petition for State Recognition from the "Eno Occaneechi Indian Association," which the Commission referred to the Recognition Committee.

23. Members of the Commission's support Staff provides administrative support to both the full Commission and to the Recognition Committee. The Staff also conducted reviews of the Petition and its supplements, which reviews were provided to

the Recognition Committee

24. Just prior to receiving the Eno Occaneechi Petition, the Commission had received a Petition for Recognition from the "Tuscarora Indians".

25. The Commission knew that it did not have sufficient Staff to research more than one Petition at a time, and since the Tuscarora Petition had come in first, the Commission determined that that Petition should be handled first.

26. This decision caused a delay in the Commission's handling of the Eno Occaneechi Petition at various stages in the process.

27. Ultimately, the Commission made the decision to "table" the Tuscarora Petition because the Tuscaroras had not been actively pursuing the Recognition process.

28. The Commission then determined that it would begin the review of the Petition from the Eno Occaneechi.

29. On December 5, 1991, the Recognition Committee met and determined that they would ask the State Office of Archeology to review the **Historical Narrative Section** of the Eno Occaneechi Petition.

30. State Archeologist, Steve Claggett was contacted and agreed to conduct the review of this section of the Petition.

31. On March 1, 1991, after completing the review, Mr. Claggett wrote to the Commission stating, "I and members of my Staff have read portions of the two volume document concentrating on the historical narrative and Anthropological/Historical Accounts Sections of the Petition. Our basic opinion of the Petition is that the Archeological and Historic Background Sections are technically and historically as accurate as current research allows".

32. At the June 3, 1992 Recognition Committee Meeting, the Commission learned that it had received approval to use \$2000 of lapsed salaries to hire a consultant to begin a review of the Eno Occaneechi Petition.

33. The Commission determined that it would ask Dr. Robert Daniels of the Department of Anthropology, University of North Carolina at Chapel Hill, to review the Eno Occaneechi Petition and to report his findings back to the Commission.

34. Dr. Daniels was contacted and agreed to conduct the review.

35. On September 29, 1992, Dr. Daniels submitted the report of his review to the Commission.

36. During this same period of time, the Commission Staff had also been conducting its' own review of the Petition. In October of 1992, the Staff produced a summation of its review of the Petition which was distributed to members of the Recognition Committee.

37. In November of 1992, the Recognition Committee met to discuss the reviews prepared both by the Staff and by Dr. Daniels.

38. Dr. Daniels' review concluded:

In my opinion, the petition does demonstrate that a significant proportion of the petitioners have a valid claim to a heritage derived from Indian tribes indigenous to North Carolina 200 years ago.

39. Dr. Daniels' review also concluded:

...the petitioners' case rests on assembling several pieces of evidence that together amount to an explanation that in my opinion is credible beyond a reasonable doubt. Those pieces involve documents which show that Indians of the Saponi and related groups did survive into the 1700s, that their earliest named ancestors were associated with the same area and were of mixed Indian ancestry.

40. The Staff concluded that the group's tribal name "does not have continuity within this group". Staff also noted that while there has been a demonstration of Indian ancestry, the tribal identification does not go back to one specific tribe but rather to

Catawba, Croatan, Saponi, or mixed "Indian ancestry".

41. As to the eight criteria, the Staff's review and Dr. Daniels' review were also not in accord.

42. Dr. Daniels determined that Criterion One, traditional North Carolina Indian Names was met "... if this is interpreted to mean family names of European origin traditionally associated with people of (total or partial) Indian Ancestry..."

43. The Staff determined that, while Dr. Daniels' interpretation of the criterion was correct, Criterion One would **not** be met without further documentation. The Staff report stated, "It would strengthen the Petitioners' claim if there were a smaller group of core surnames from whom the present day members could demonstrate direct descent".

44. Dr. Daniels found that Criterion Two, Kinship Relations with other recognized Indian Tribes "...was **met**". The Staff found that Criterion Two was **not** met and would not be met without further documentation.

45. Dr. Daniels found that Criterion Three, Official Records such as birth, church, school or other recognizing the people as Indian, "...was **met** and was clearly demonstrated."

46. Staff determined that the Petitioners' evidence of Criterion Three was composed of delayed Certificates of Birth. Since these delayed Certificates could be obtained by self-declaration, (an applicant for the reissuance of a birth certificate could simply declare himself to be an Indian), Criterion Three had **not** been met.

47. Dr. Daniels found that Criterion Four, Letters or Statements from State or Federal authorities recognizing the people as Indian was "... **met** and was well established."

48. Staff found that Criterion Four was **not** met in part because many of the documents attesting to people being Indian, talked about people not clearly on the tribal roll or genealogies.

49. Dr. Daniels found that Criterion Five, Anthropological or historical accounts tied to the tribe's Indian ancestry "...was **met**".

50. Staff stated, "Staff sees the primary problem with this section of the Petition to be the failure of the Petitioner to prove clear descent of current members of the Petitioning group from the historic Eno Occaneechi".

51. Dr. Daniels found that Criterion Six, letters or statements from presently recognized tribes or groups or their representatives attesting to the Indian heritage of the tribe, was "perhaps" **met**.

52. The Staff also found Criterion Six to have been **met**.

53. Dr. Daniels found that Criterion Seven, any other documented traditions, customs, legends, etc., that signify the tribe's Indian heritage, was **not** met.

54. The Staff agreed with Dr. Daniels that Criteria Seven had **not** been met.

55. Dr. Daniels found that Criterion Eight, participation in or grants from sources or programs designated as for Indians only, was "perhaps" **met**.

56. The Staff found that Criteria Eight had **not** been met.

57. Dr. Daniels summarized his findings as follows:

In summary, Criteria 3, 4, and 5 are clearly satisfied. Criteria 1 is satisfied if my reading of the requirements is correct. I judge Criteria 2, 6, and 8 to have been satisfied but wish to advise the committee that the evidence here is not as strong and its interpretation is a matter of judgment. Criterion 7 has not been satisfied.

58. After discussing these two reports, and their conclusions, the Recognition Committee made its own determination. They decided that Criteria 4 and 6, had been met by the Petitioning group but that none of the other criteria had been met.

59. In summary:

<u>Criterion</u>	<u>Dr. Daniels</u>	<u>Staff</u>	<u>Recognition Committee</u>
1	Met	Not met	Not met
2	Met	Not met	Not met
3	Met	Not met	Not met
4	Met	Not met	Met
5	Met	Not met	Not met
6	Met	Met	Met
7	Not Met	Not met	Not met
8	Met	Not met	Not met

60. The Recognition Committee also determined that the tribal roll and the "200 year" requirement had not been met.

61. The Recognition Committee presented its findings to the full Commission. The full Commission adopted the findings of the Recognition Committee and subsequently the Commission wrote to the Petitioning Group reporting that the Petition had been reviewed and the Commission had made the following determinations:

Criteria 4 and 6 have been met  
Criteria 1, 2, 3, 5, 7 and 8 have not been met

62. The Commission also determined and reported to the petitioning group that the requirements of 15 NCAC .0214, the Tribal Roll, had **not** been met in that the Petitioners had not shown the kinship relationships of the people on the roll.

63. The Commission also determined and reported to the petitioning group that the requirements of 15 NCAC .0211, tracing the tribe back 200 years to a tribe indigenous to North Carolina, had **not** been met.

64. The Committee directed Staff to prepare a written and detailed statement of the Petition's "Obvious Deficiencies" as found by the Recognition Committee and to send it to the petitioning group. This was done on December 8, 1992.

65. On March 11, 1993, the Eno Occaneechi Indian Association wrote to the Commission informing them that they would respond to the statement of Obvious Deficiencies with a supplement to their Petition.

66. During the entire recognition process, the Petitioning group continued to conduct historical and genealogical research and to submit additional information to the Commission.

67. In July of 1993, the Petitioning Group submitted to the Commission the First Supplement to their Petition.

68. In November of 1993, the Staff conducted an exhaustive and lengthy review of this First Supplement to the Petition and produced another report which was submitted to the Recognition Committee.

69. This Staff report discussed a number of inconsistencies but did not include a conclusory statement. Instead, the Staff ended the report by stating:

The Recognition Committee must make the determination of how crucial these inconsistencies and/or omissions are in their deliberation regarding the Petition.

70. The Recognition Committee met on February 21, 1994, and, after reviewing the Petition, its Supplement and the Staff report, the Committee determined that it found the Petition to be "incomplete" and Petitioner would have 90 days to submit additional documentation. The Commission wrote to the Petitioning group informing them of this decision.

71. On May 23, 1994, the Second Supplement to the Petition was received by the Commission.

72. Continued reviews and deliberations ensued and on May 19, 1995, the Third Supplement to the Petition was submitted to the Commission.

73. During this period of time, the Commission was notified that the Petitioners had retained a lawyer who was asking for copies of all material relevant to their Petition as well as material relevant to an earlier recognition procedure wherein the Meherrin Indians had applied for, and were eventually awarded, tribal recognition.

74. Also during this period of time, the "Eno-Occaneechi Indian Association" had held its annual meeting, elected new officers, and changed the name of the Association to the "Occaneechi Band of the Saponi Nation."

75. The Commission learned that there had been a rift in the Petitioner's organization and that the previous Chief was asserting that he and his followers would be continuing to Petition for recognition under the old name. The new Chief was asserting that the recognition process should continue under the new tribal name. The Commission was uncertain as to whether the Petition under consideration belonged with the old group or the new group.

76. Ultimately, it was determined that the Petition would continue along the recognition process with the new name and the new Chief.

77. In the Spring of 1995, the Staff completed another exhaustive review of the Petition encompassing all submissions received to date. This review, however, did not include the most recent supplement submitted on May 19, 1995.

78. Janet McLamb, who had been the primary Staff reviewer for the Commission, was leaving her position and had just completed her review when the last submission came in. Since she was about to leave that position, she did not have time to conduct a review of this last supplement before she left.

79. The Recognition Committee met on May 22, 1995. At that meeting the Committee heard a presentation from the new "Chief," Lawrence Dunmore, President of the "Occaneechi Band of the Saponi Nation."

80. At some point in the process and prior to the commencement of the second setting of this hearing, the Commission determined that the Petitioning group had met an additional criterion.

81. In addition to Criteria 4 and 6, the Commission determined that the group had also met Criterion 8, participation in grants from sources or programs designated as for Indian only.

82. In July of 1995, Staff members completed an addendum to the final review completed in May which covered the recently submitted materials. This addendum may or may not have been seen by the Recognition Committee at this time.

83. On July 17, 1995, the Recognition Committee met again. Representatives of both the "Eno Occaneechi Indian Association" and the "Occaneechi Band of the Saponi Nation" were delivered presentations.

84. The Recognition Committee voted to deny State recognition to the "Occaneechi Band of the Saponi Nation" citing Petitioner's failure to meet the required five of the eight criteria and failure to establish the requisite 200 year link.

85. On August 28, 1995, the "Occaneechi Band of the Saponi Nation" filed Notice of Appeal to the full Commission.

86. In September of 1995, this appeal was presented to the full Commission, but the deliberations and decision was postponed to the December meeting.

87. On December 8, 1995, the appeal was heard by the Commission. By 14 to 1, the Commission voted to uphold the decision of the Recognition Committee to deny State recognition to the "Occaneechi Band of the Saponi Nation."

#### **REQUIREMENTS FOR TRIBAL RECOGNITION**

88. In order for the Petitioning Group to be recognized as a tribe, they must satisfy the following requirements: First, they must trace their heritage to a tribe indigenous to North Carolina for 200 years. Second, they must meet five of the eight criteria. Lastly, they must submit a satisfactory tribal roll. The statute and rules are silent on the issue of the selection of a tribal name.

89. These requirements as they will be addressed herein are broken down as follows:

- I.     **The Eight Criteria**
- II.    **The Tribal Roll**
- III.   **The 200 Year Requirement**
  - (A) A 200 Year Genealogy
  - (B) Tribal Existence in North Carolina 200 Years Ago
  - (C) Petitioning Group's Tribal Identity
- IV.    **Designation of a Tribal Name**

**I.     The Eight Criteria**

**Criterion One: Traditional North Carolina Indian Names**

90. Dr. Daniels, in his review, determined that the Petitioning group had met this criteria. " If this is interpreted to mean family names of European origin traditionally associated with people of (total or partial) Indian ancestry in North Carolina during the 1700s." In the Commission's October 1992 review, the Commission Staff noted that it was their opinion that Dr. Daniels interpretation of this criteria was correct.

91. This interpretation appears to be an obvious and reasonable one, since it is a well understood that true original Indian names, in almost all instances, have not survived.

92. Although Dr. Daniels' added the additional factor of requiring the names to date back to "the 1700s," it is reasonable and accurate to say that the names should be **traditionally** known as Indian names.

93. To meet this criterion, the Petitioner submitted 16 affidavits and a number of letters from local residents attesting to the fact that the names of Jeffries, Whitmore, Burnette, Martin, Dixon, Parker, Bass, Anderson, Jones, Hayes, Guy, Day, Ligons, Miles, Chavis, Bowden, White, Corne, Haith, Enoch, Wilson, McPherson, Hawley, Watkins, and Nash have been known as Indian names.

94. The Petitioner also submitted numerous historic documents which showed that names which are on the tribal roll have been involved with various authorities as people of Indian heritage.

95. Examples of the historic documents which were submitted to show that the Jeffries and Guy names were known as Indian names are the following:

- (a) Senate Document 144 which identifies a large number of Guys and several Jeffries as Indian.
- (b) Court documents specifically identifying Mourning and Sally Jeffries as Indian.
- (c) Simon Jeffries, Revolutionary War soldier, was identified as an Indian.
- (d) William Guy, a Revolutionary War soldier, was identified as an Indian.

96. In the Recognition's Committee meeting of August 24, 1995, the Committee determined that while the names on this Petition are traditional in their geographic area, "the Petitioner has not demonstrated that any of its traditional names which are indisputably connected to the group have ever been identified as Indian."

97. The undersigned disagrees with the Commission and finds that the Petitioning Group has submitted documents which are valid evidence to show that these names have been known as Indian names in modern times and were known as Indian names historically.

**Criterion Two: Kinship relationships with other recognized Indian tribes;**

98. Dr. Daniels found the evidence for this criterion to be slight. Staff found that this criterion had not been met.

99. A review of the data submitted by the Petitioning group shows that there were many marriages between families of the Petitioning group and families who are purportedly Indian and white. However, this criterion requires kinship with other **recognized** tribes. While there are one or two instances where a marriage (or a parent) is alleged to be Cherokee (a recognized tribe) the evidence is scant.

100. It is, therefore, found as fact that Criterion Number Two has not been met.

**Criterion Three: Official records such as birth, church, school or other recognizing people as Indian;**

101. Dr. Daniels found this criterion to have been met but Staff and the Committee did not.

102. The Petitioning Group submitted a large number of birth certificates altered to show the race as Indian. These birth certificates meet the definition of "official records" and constitute evidence under this Criterion. They do not, however, weigh very heavily because they are self-declarations made close to (or during) the time the Petitioning Group was seeking tribal recognition.

103. The Petitioning group submitted a Death Certificate for John R. Jeffries. This is valid documentation for this Criterion. However, while John R. Jeffries is probably a member of this Jeffries family, he has not been adequately identified as an ancestor of anyone connected to the Petitioning group.

104. The Petitioning group also submitted Death Certificates of two Whitmore babies indicating that they and their parents are Indians. These certificates were not completed at or near the time the group is pursuing tribal recognition. These are valid documentation under this Criterion.

105. The Petitioning Group also submitted a number of census and voting records showing names of ancestors of the group and identifying them as Indian. These are valid documentation under this criterion.

106. For example, the 1870 Census of Green County, Ohio shows Shadrack, Daniel and Rebecca Jeffries and their children as Indians and Uriah, Caroline, John and Mason Jeffries as Indian.

107. The Petitioning Group submitted approximately five court case reports reflecting instances when members of the Jeffries Clan in Ohio and Indiana were denied the right to vote because they were black. This denial also caused the Jeffries children to be denied admission to white schools. The Jeffries men sued and the courts consistently ruled that they were Indian and white and not black. These court cases were considered by the Commission under Criterion Four (letters or statements from State or federal authorities). It is not clear that these could not be used to satisfy more than one criterion.

108. However, even assuming that the court cases can not be considered twice, it is found as fact that the census records, voting records (showing many names) and two death certificates, constitutes sufficient evidence to meet this criterion.

**Criterion Five: Anthropological or historical accounts tied to the tribes' Indian ancestry;**

109. Dr. Daniels found that this Criterion was met. Dr. Claggett found that the historical narrative was accurate.

110. The 1992 Staff review, however, stated that the problem with the Petitioning Group's submissions for this criterion was the failure to prove clear descent of current members. This is an invalid reason for denying this criterion.

111. It is axiomatic that a Petitioning Group which is submitting documentation on the history of a tribe is submitting that data for the tribe from which it claims descent. Proof of that descent, however, is not required at this place in the submissions. The issue of whether or not the Petitioner can prove descent from these tribes is a separate issue and not part of this criterion.

112. It is found as fact that this criterion does **not** require a showing of descent.

113. The tribes about which the Petitioning Group has submitted historical and anthropological data are the Saponi, Eno, Occaneechi, Tutelo, and Catawba. The historical and anthropological histories of these tribes has been clearly presented and documented and verified by the State Archeologist.

114. It is found as fact that Criterion Five has been met.

**Criterion Seven: Any other documented traditions, customs, legends, etc. that signify the tribes' Indian heritage;**

115. Dr. Daniels found that this criterion was not met. He stated, "...the Petition does not demonstrate the transmission of a sufficiently large number of interrelated practices of Indian origin to differentiate the petitioners from other people who are able to trace their ancestry to rural pre-colonial America."

116. Ms. McLamb, the Staff Reviewer, testified that meeting this particular criterion would be very difficult because traditions specific to tribal practices would be very hard to find. Nevertheless, this is a criterion which the Petitioning Group must attempt to meet.

117. After reviewing the data, the undersigned agrees that this criterion has not been met.

## **II. The Tribal Roll**

118. 1 NCAC 15 .0214 requires that a Petitioning group must submit a tribal roll listing (a) the names and addresses of the people and (b) the relationship of each one to their "kinship ties."

119. One Staff review stated that there were too many surnames on the roll and the petitioning group should concentrate the geneologies (kinship ties) of the major families.

120. This roll was submitted in at least two formats. The kinship ties were shown, albeit in a handwritten format, on the first submission of a tribal roll.

121. Additionally, many of the names on the tribal roll appear on the Genealogical Charts which are attached hereto and which were created from the raw data submitted by the Petitioning Group.

122. Although the Petitioning Group could have shown kinship ties in a more presentable way, they did show kinship ties as required.

123. The undersigned has found no listing of addresses. There is, however, no indications that the Commission has denied this requirement because of the absence of addresses.

124. It is found as fact that, subject to the submission of addresses, the evidence is adequate to meet this requirement.

## **III. The 200 Year Requirement**

125. As noted above, in order to gain tribal recognition, the Petitioning Group must trace its ancestry back at least 200 years. It must then prove its tribal identity by showing that its ancestors were from a tribe indigenous to North Carolina 200 years ago.

### **(A) A 200 Year Genealogy**

126. There are two primary family geneologies incorporated into this decision. These are the two most thoroughly researched families of the Petitioning group, the Jeffries and the Guys.

127. Attachment A is the Jeffries' Genealogical Chart, Chart Number One. The information shown thereon and the legend on this chart are hereby found as fact.

128. Attachment B is the Jeffries Genealogical Chart, Chart Number Two. The information shown thereon and the legend on this chart are hereby found as fact.

129. Attachment C is the Guy Genealogical Chart. The information shown thereon and the legend on this chart are hereby found as fact.

130. The information, family relationships, and status of "Indian" shown on these charts was distilled **from the raw data** submitted by the Petitioning group. No name was placed on these charts unless evidence was found to satisfactorily show that the person existed and to show his or her place in the families.

131. As is noted in the legends, these genealogies trace members on the current tribal roll to people who have been identified as Indian without regard to tribal identity.

132. The parameters to be used in interpreting a genealogical study have not been spelled out in the Commission's rules. The undersigned has established parameters for the construction of these genealogical family trees.

133. No name on the chart was shaded to indicate status as "Indian" unless adequate documentation was found to verify this status.

134. The delayed birth certificates which show "Indian" as the race, were used to verify the **relationships** of people on the Genealogical Chart. However, they were **not** used to prove that the people were Indian because they were altered at or near the time the Petitioning Group was seeking tribal recognition.

135. The kinship relationships claimed back to approximately 1875 are taken as true. This judgment was made because, using 25 years as a generation, a person now alive at age 60 (born 1938), would have knowledge of his parents (born 1913), and his grandparents (born 1888). His parents would know of their own grandparents (born 1863). In other words, it is a reasonable proposition that people now alive have memories and first hand reports of ancestors going back approximately to great grandparents.

136. The people who have been identified in historic records as Mulatto, Yellow, Colored, Issue or Free Issue, may well indeed be people of Indian heritage as the Petitioner asserts. However, for purposes of these genealogical charts the only individual who was deemed to be Indian with such a designation was Grief Jeffries. Grief Jeffries was identified in an ancient document as a "Free Woman of Color." Because of this identification, because she had two sisters who were specifically identified as Indian, and because her father was identified as Indian, she has been attributed with the designation "Indian."

137. There are many smaller, abbreviated genealogies that can be gleaned from the evidence presented. They do not, however, contain sufficient information to determine where they might be placed on the master genealogies.

138. As to the Guy Genealogical Chart, although there have been many marriages between the Jeffries and Guy families, the evidence used to compile the Guy Chart does not trace back in an unbroken manner from 200 years ago to a current tribal member. The break in evidence is represented by the dotted line.

139. All of the people who appear on these Charts, particularly those who have been identified as "Indian" have been placed there only after an exhaustive review of the documentation which has been submitted. For example, several of the seminal ancestors, such as Andrew and Drury Jeffries, have been studied in detail.

140. Andrew Jeffries (c. 1730) has been found to be an Indian because he was reported as being a person of white and Indian blood in the depositions submitted as part of the Parker Jeffries v. Ankeny Case.

141. The deposition of Patsy Robinson states:

Question 6 -	Of what blood was Sally Jeffries?
Answer -	She claimed to be of White and Indian and I never heard anything to the contrary.
Question 8 -	Of what blood was Andrew Jeffries?
Answer -	He claimed to be as above-stated concerning Sally Jeffries.

142. The deposition of Henry Wyche states:

Question 4 -	Who was the father of Sally Jeffries?
Answer -	Andrew Jeffries was the reputed father.
Question 5 -	Of what blood was Andrew Jeffries?
Answer -	I believe of Indian and White.

143. There are other pieces of evidence which also indicate that Andrew (c. 1730) was Indian:

- (a) Clayton Jeffries, who has been identified as Indian, identified his ancestor "Andrew" as being a land owner in the Pleasant Grove area.
- (b) Macklin Jeffries who has been identified as an Indian, identified his grandfather "Andrew" as being a land owner in the area.
- (c) Andrew Jeffries' granddaughters, Sylvia and Betsy stated that they get their Indian heritage from grandfathers on "both sides." (Although Senate Document 144 identifies **Simon** Jeffries as "grandfather" who fought in the Revolution, Sally and Betsy's grandfather was actually **Andrew**, another Revolutionary War soldier).
- (d) Andrew's will identifies his children, in part, as being Sally, Mourning, Grief, and Drury. Sally,

- (e) Mourning, and Grief have been identified as Indians.  
Andrew has three brothers, three daughters, five grandchildren, and three great grandchildren who have been identified as Indian.

144. It is found as fact that Andrew Jeffries (c. 1730) was Indian.
145. Another originating ancestor for the Jeffries group is Andrew's son, Drury Jeffries.
146. Looking at Drury briefly with regard to his father's identification, indicates that Drury's will identifies his children as including Betsy and Sylvia. Betsy and Sylvia were identified in historic documents and data as Indian.
147. Drury therefore has three sisters, two daughters, (and a father) who have been identified as Indians.
148. It is found as fact that Drury Jeffries was Indian.
149. It is found as fact that the Jeffries' family has been traced from ancestors circa 1700 to people on the current tribal roll.
150. It is found as fact that the Jeffries family has been traced to people on the current tribal roll from ancestors identified as "Indian."
151. It is found as fact that the Guy family has not been traced back from people on the current tribal roll to ancestors 200 years ago.

**(B) Tribal Existence 200 Years Ago In North Carolina**

152. Establishing the 200 year link to a tribe indigenous to North Carolina requires an analysis of the status of tribes as they existed in North Carolina 200 years ago. This is not as clear and obvious as it may at first appear.
153. State Archeologist Steve Claggett determined, and the undersigned finds as fact, that the Historical Narrative Section of the Petition is as accurate as current research allows. The following findings of fact have been distilled from the narratives as well as from the raw data submitted by the Petitioner.
154. Attachment D is a map showing North Carolina and parts of South Carolina and Virginia in 1720. It indicates colonial and Indian settlements. The map is reproduced from the book, "The Indians New World: Catawbas and Their Neighbors from European Contact Through The Era of Removal" and is found as fact. (*see n, Attachment E*)
155. Attachment D1 is the same map, enlarged, and showing the approximate location of certain counties of significance as well as the Catawba River Settlement. This map is found as fact.
156. Excerpts from data submitted by the Petitioning Group are used throughout this section. They are referenced by the use of a lower case letter with full citations listed on Attachment E.
157. The European influx into the North American continent had a catastrophic effect on the Native American peoples, particularly along the eastern seaboard. As more and more settlers moved in, tribes were displaced from their lands. Many tribes were decimated both by disease and conflict.
158. Generally, the early 1700s was a time of movement among tribes in the Virginia, North Carolina and South Carolina Piedmont Area.
159. There was a continuous migration of both tribes and remnants of tribes. They banded together in an effort to find a safe and acceptable place to live and to survive in the face of increasing pressure from encroaching settlers and tribal population loss.
160. As the tribes continued to lose size and power, this tribal migration became more and more common. Remnants of tribes consolidated with other larger tribes for survival and sometimes when the tribes could not successfully live together, various subgroups moved away.

161. Frequently, tribal identities were lost and tribal names, to the extent that they existed, were also lost.

162. When European explorers first entered the Piedmont area, they found it occupied by several small Indian tribes sharing a common culture and a similar language. Those tribes included (but are not limited to) the Occaneechi, Saponi, Catawba, Santee, Waccamaw, Sissipahaw, Keyauwee, Shoccoree, and Sara.

163. These tribes spoke a variant of the Siouan language family, with the Occaneechi and Saponi both speaking the Northern dialect, and the Catawba, Santee, and Waccamaw speaking the Southern dialect.

164. The Europeans were often perplexed at the various languages and dialects they encountered among the native people. One historian reported that the languages and dialects of the early Virginia Indians were so varied that they could not understand one another and had to use the Occaneechi language as a "ceremonial" common language. He stated:

According to this historian the tribes of Virginia spoke languages differing so widely that natives "at a moderate distance" apart did not understand one another. They had however a "general language" which people of different tribes used in their intercourse with one another... The general language here used is that of the Occaneechis, though they have been a small nation every since these parts were known to the English... (t)his general language was used by the "priests and conjurors" of the different Virginia tribes in performing their religious ceremonies... (see a, Attachment E)

165. The Occaneechi tribe had been large and prominent among the Piedmont Indian Tribes

166. In 1670 an early explorer named John Lederer found the Saponis and the Occaneechis living on islands of the Roanoke River, runs from mid Virginia south into North Carolina. The historian reported:

John Lederer...a German traveler...undertook, at the charge of the colonial government, an exploring journey... He made... some interesting discoveries. Starting from the falls of the James River, he came, after 20 days of travel, to "Sapon, a village of the Nahyssans" situate on a branch of the Roanoke River. These were undoubtedly the Saponas whom Captain Batt visited in the following year, the kindred and allies of the Tualos. Fifty miles beyond Sapon he arrived at Akenatz, an island in the same river... in these Akenatzies we undoubtedly see the Aconechos of Lawson, and the Occaneechis mentioned by Governor Spotswood. (see b, Attachment E)

167. In addition to disease and land displacement, the tribes sometimes suffered from warfare with the settlers. On one occasion, the Occaneechis were particularly brutalized when, in the 1670s, several tribes including the Occaneechi were the victims of a settler's rage.

168. Nathaniel Bacon had developed a dislike of Indians and visited violence upon them. He conducted raids on the Occaneechi living near Clarksville, Virginia, attacking their village on the Roanoke River. He wrote:

What we did in that short time and poor condition we were in was to destroy the King of the Susquahannocks and the King of Oconogee and the Manakin King with 100 men, besides what was known to us. The King's daughter was to prisoner with some others and could have brought more, but in the heat of the fight we regarded not the advantage of the prisoners nor any plunder, but burn't and destroid all. And what we reckon most material is that we have left all nations of Indians where we have bin ingaged in a civill warre amongst themselves, so that with great ease wee hope to mandage this advantage to their utter ruine and destruction. (see c, Attachment E)

169. The Occaneechi did not recover after the attack, and were never the dominant trading tribe they had previously been.

170. Those members of the tribe who survived the attack came to live on the banks of the Eno River near present day Hillsborough, North Carolina, which settlement has been uncovered by UNC archeologists.

171. This Occaneechi settlement was also documented by historians. In 1701 John Lawson, Surveyor General for North and South Carolina, traveled into North Carolina and visited this settlement near Hillsborough.

172. The Saponi, Tutelo and Occaneechi Tribes ultimately banded together and became as one under the name of Saponi.

A historian reports that the Saponis and Tutelos who had been living in the war path between the northern Iroquois and southern Catawba, crossed the Dan River into southwestern Virginia to escape and move away from the warring tribes. They moved to live near the Occaneechi who, prior to Bacon's raid, had been living on the islands in the Roanoke River:

In their frontier position at the base of the mountains the **Saponi** and **Tutalo** were directly in the path of the Iroquois whose war trail toward the Catawba crossed the Dan at a point between the mouths of Smith River and Mayo River... unable to withstand the constant assaults of their northern enemies, the two western tribes abandoned their villages and removed to the junction of the Staunton and the Dan where they established themselves **adjoining their friends and kinsmen the Occaneechi whose history thence forth merges into theirs.**

The **Occaneechi** of whom more will be said later although now themselves reduced by the common enemy had been an important tribe. **They occupied at this time a beautiful island about four miles long called by their tribal name lying in the Roanoke a short distance below the forks of the stream of what is now Mecklenburg County Virginia. Above and below Occaneechi Island in the same stream were two other islands of nearly equal size. The Saponi settled on the lower of these while the Tutalo took possession of the upper one just at the confluence of the two rivers.** How long they remained there is not definitely known but it is evident they were not able to hold their position even with the river on all sides as a protecting barrier. For in **1701 all three tribes were far down in Carolina** uniting their decimated forces and preparing to remove into the English settlements. (*See d, Attachment E*)

173. Other historians have also reported this same history:

Two other Indian tribes of which there is little historic record live in Mecklenburg County (Virginia) for some 30 years. These tribes were also of the eastern Siouan group and kinsmen and allies of the **Occaneechi**. These tribes were known at the **Tutelo** and the **Saponi**...after crossing the Saponi (Staunton) River several times and climbing several smaller mountain ranges they came to the **Tutelo** village located on the head waters of the Roanoke River... this site was probably on the present Virginia/North Carolina State line... The seat of the **Tutelo** and **Saponi** tribes at the foot of the mountains was directly in the path of the Iroquois' war trail towards the **Catawba**... unable to withstand the constant assaults of the Iroquois these tribes about 1671 it is presumed on the invitation of the **Occaneechis** their kinsmen and allies abandoned their villages and removed to the junction of the Dan and Staunton Rivers in the **Occaneechi** domain. The **Tutelos** were assigned the island above **Occaneechi** Island and the **Saponis** were assigned the island below **Occaneechi** Island.

Henceforth the history of the three tribes, the **Occaneechi**, the **Tutelo** and the **Saponi** merges. (*see e, Attachment E*)

174. In another effort to survive, many tribes began to enter into treaties with the colonists, even moving onto lands which were designated and assigned to them by the new colonials.

175. On May 29, 1677, the Indians of Virginia and North Carolina entered into the Middle Plantation Peace Treaty with the Governor of Virginia, Herbert Jeffries. The Saponis are among the signators. That treaty stated, in part:

With the several Indian Kings and Queens and (illegible) Subscribers hereunto made and Concluded at the Camp of Middle Plantation, the 29<sup>th</sup> day of May, 1677; being the day of the most happy birth and Restauration of our (illegible) Sovernigne Lord, and in the xxix year of his said majesty's reign.

By The Right Honorable Herbert Jeffries, Esquire, Governor and Captain General of His Majesty's Colony of Virginia; Present the Honorable Sir John Berry and Frances Morrison, Esquire, His Most Sacred Majesty's Commissioners appointed under the great seal of England for the Virginia affairs, and the Honorable Council of State of the said Colony. This peace treaty of 1677 in Virginia is signed by: the Queen of **Pomunkey**, the King of **Nottowayes**, the son of the Queen of **Pomunkey**, the King of the **Appomattux**, the Queen of **Wayonoake**, the King

of the **Nanzou** Indians, the King of the **Nansaticoen**, the King of the **Manakins**, the young King of the **Sapones**, the Chief Man of the **Sapones**, the Chief Man of the **Maherians**, the Chief Man of the **Wahorians**. (see f, Attachment E)

176. In this treaty, Virginia set aside a reservation of six miles square for the Saponi and allied tribes in what is now Greensville and Southampton Counties, Virginia, which counties are located along the Virginia/North Carolina State line. (see g, Attachment E)

177. In 1713, the tribes of Saponi, Eno, Occaneechi, and Shakori entered into another peace treaty. Governor Alexander Spotswood of Virginia had established Fort Christianna in Brunswick County, Virginia (on the North Carolina State line), where the local tribes were to be taught English and Christianity. The Fort would also be used as a buffer between the settlers and the other Indians. (see h, Attachment E)

178. The Fort Christianna Treaty was signed by the Chief men of the Saponi, Stukanox, Occaneechi and Tortero (Tutelo) Indians at Williamsburg, Virginia, the 27<sup>th</sup> of February, 1713. (see i, Attachment E)

179. The Indians of Fort Christianna were made up of the remnants of these tribes of which the most considerable were the Saponis. A historical account reflects what was in fact one of the articles of the treaty:

“Not finding themselves separately numerous enough for their defense have agreed to unite into one body and all of them now go under the name of the Saponis”. (see j, Attachment E)

180. On January 27, 1714, Governor Spotswood wrote to the Bishop of London describing Fort Christianana:

It was then I formed a settlement on the frontiers for ye tributary Indians pursuant to their treaties and by the temptation of a fine tract of land of six miles square the building of a fort thereon and placing the guard of 12 men and an officer to be assisting to them I engaged the **Saponi**, **Occaneechi**, Stuckanox and **Tottero** Indians (being a people speaking much the same language and therefore confederated together, though still preserving their different rules) immediately to remove to this place which I have named Christ Anna. (see k, Attachment E)

181. Under the Fort Christianna Treaty, the Saponi retained the right to use unsettled land in the region, maintaining settlements in both North Carolina and Virginia. (see l, Attachment E)

182. A few years later, all of the tribes who had settled at Fort Crhistianna were identified as “Saponis.” In 1716 John Fontaine documented a trip he made with Governor Spotswood. On April 13, 1716, he writes that he and Governor Spotswood set out from Williamsburg.

April 14, 1716, we set out with a guide for Christiana ... the most outward settlement on this side of Virginia... April 15, 1716, the third day. Christiana Fort. Mr. Griffith who is an Englishman is employed by the Government to teach the Indian children and to bring them to Christianity... he hath had good success amongst them. He hath now been a year amongst them. These Indians are called **Saponi** Indians and are always at peace with the English”. (see m, Attachment E)

183. The Catawbans were not strangers to Fort Christianna and, though their settlement on the Catawba River in North Carolina was prospering, they still sued for peace among the colonists.

That Cheraw chief who arrived in Virginia in July 1715 to make peace for his own people was also “impowered by the Chiefman of the **Catawba** Indians” to ask the same for them. Since Cheraws had lived in Virginia until recently, this chief was the obvious candidate for the initial overtures. Once channels were open, however, **Catawba** leaders superseded him, so that by April 1717, Cheraws were last in a list of eight groups represented at **Fort Christianna**, **Catawb**s first. Whitmannetaughehee, “the Chief Man of all the Catawba Nation,” dominated the proceedings at the fort. He alone had his name recorded by the Virginia scribe; he alone met with Spotswood on the governor’s arrival. (see n, Attachment E)

184. Throughout the early 1700s, tribes and parts of tribes continued to migrate throughout this area and even into the northern colonies. A part of the Saponi Tribe moved north to New York.

185. This Northern Saponi migration was documented:

In the beginning of the 18<sup>th</sup> Century the five nations increased to six when the Tuscaroras chased out by land hungry English settlers left their traditional home in the Carolinas...they brought with them the entire **Tutelo** and **Saponi** Tribes later commemorated in Tomkins County, Pony (Saponi) Hollow ... is named for them. (*see o, Attachment E*)

186. It is clear from other historic documents, that the "entire" Tutelo and Saponi Tribes did not migrate to New York, for this is the same period when the Saponis and Tutelos along with the Occaneechis had settled at Fort Christianna.

187. During this period and the years that followed, the tribal names and identities were reported in many different ways. For example, Kammen (*supra*) identifies the Saponi as being "Catawban." She writes:

Ironically, the Saponi and the Tutelos lived in Iroquois as allies of the Cayugas, **yet they were of Catawban ancestry...** (*see p, Attachment E*)

188. Historians also reported descriptions of the use of the Saponi, Tutelo and Catawba tribal names:

The name **Saponi** ... was generally limited to a particular tribe or aggregation of tribal remnants, while the Iroquois named **Tutelo**, Toteror or Toderich-roone, in its various forms although commonly used by the English to designate a particular tribe **was really the generic Iroquois term for all the Siouan tribes of Virginia and Carolina including even the Catawba**. In 1722, the remnants of all the tribes of Virginia and the adjacent parts of Carolina included under this general designation by the Iroquois had been gathered at Fort Christiana and were commonly known collectively as **Christianna Indians** or **Saponi**. (*see q, Attachment*)

189. The Fort Christianna Indians were reported by historians to be known as both Saponi and Tutelo.

In 1670 Lederer crossed the country in a diagonal line from the present Richmond to Catawba River, on the frontiers of South Carolina, and a year later a party under Batts explored the country westward across the Blue Ridge to the headwaters of New River. Thenceforward, accounts were heard of Nahyssan, **Sapona**, **Totero**, **Occaneechi**, and others, consolidated afterward in a single body at the frontier, Fort Christianna, and thereafter known collectively as **Saponi** or **Tutelo**. (*see r, Attachment E*)

190. The tribal names, even as early as 1717, were unclear. The leaders of the five nations in New York wrote the Governor of Virginia:

Those Indians called by the English **Cattabaws** are called by us **Toderichroone**. (*see s, Attachment*)

191. In a subsequent letter, the Governor of Virginia wrote to the Indian leaders identifying the Fort Christianna Indians as Toderichroones, the Indian name for "Catawba:"

Tis necessary now to declare the names of the several Nations of Indians which the Government of Virginia engages for, and those are the Nottoways, Meherins, Nanemonds, Pamunkeys Chichominys, and the Christianna Indians whom **you call Toderichroones** that we comprehend under the name, the **Saponies**, **Ochineeches**, **Stenkenocks**, **Meipontskys** & **Toteroes**. (*see t, Attachment E*)

192. Throughout the Fort Christianna period, the tribal population at the Fort varied. In 1728, the Saponis left Fort Christianna after one of their chiefs was hanged by the colonists. Like many other small tribes, they went to live

with the Catawba Tribe in North Carolina at their growing settlement known as the Catawba River Settlement.

193. One historian described the incident which caused this first departure of the Saponis from Fort Christianna:

In 1728 the province tried to stop **Saponis** from taking revenge on Nottoway raiders...resentment deepened a few months later when Williamsburg officials hanged a **Saponi** headman who had committed a crime while intoxicated. In a single stroke the colony violated two fundamental tenants of native law: the first against hanging; the second against punishing a person for something done while under the influence of alcohol. By year's end the **Saponi**, surfeited with colonial friendship, were on their way from **Fort Chrianna** to the **Catawba River**. Men and women weary of angry settlers, nosey missionaries and arrogant officials must have found a people the colonists were now calling **Catawbas** a welcome relief. Different as this **Catawba** population might be in appearance language and custom, the cultural variation here was as nothing compared to the chasm dividing Indians from tobacco farmers, rice planters and anglican clergymen.

(see u, Attachment E)

194. However, the difference between the Saponis and the Catawbas did not remain "as nothing". The Catawbas were a warlike tribe and the newcomers soon discovered that they could not adjust to life in the Catawban settlement. The Saponis soon found that they had to leave:

Indians caught between colonists and Catawba had a real decision before them: which was the lesser evil? The splintering that occurred within each group forced to make the choice hinted at how hard it was to come up with an answer...

Those who chose to remain with colonists embarked on a long slow slide into obscurity. Well before the end of the (18<sup>th</sup>) Century, chiefs and captains were gone, Pee Dee, Cape Fear, and other names were replaced by the non-descript term "Settlement Indians" or "parched corn Indians..." there were many natives who drifted from one isolated backwater to another following maps and schedules they alone knew... (see v, Attachment E)

195. The Catawba River Settlement, located in North Carolina where the Catawba River enters into what was then known as Sugar Creek, was growing and soon became an important stopping point on the trading route. The Catawbas welcomed and encouraged newcomers and the Settlement continued to grow in size and power. By the mid 1700s the Catawba River Settlement was flourishing:

While learning their way around, the newcomers came across many others like themselves people born in some faraway and now abandoned (if not forgotten) town, people who looked, acted, spoke, and dressed differently from their hosts. The Shawnee headman who observed in 1717 that "there were many Nations under that [Catawba] name" would have found many more two or three decades later. James Adair heard more than twenty different languages spoken by the Indians in the Catawba River settlements when he traded there between 1736 and 1743. Adair listed only **Eno**, Cheraw, Congaree, Natchez, Yamasee, Wateree, and Coosah (probably Creek), but to these he would have added **Saponi**, Caccamaw, Pedee, Santee, Saxapahaw, Keyauwee, and many others. (see w, Attachment E)

196. The Catawbas were powerful and feared, and kept alliances with other tribes, including the Saponi, by offering them protection.

**Saponis** who fell afoul of Virginia boasted that **Catawbas** had promised them sanctuary and even had sworn to help them attack the colony. Nor were Catawba efforts limited to protecting people from colonists. Tuscaroras, Nottoways, and Meherrins also learned that raids on **Saponis** brought reprisals from **Catawba** war parties acting on behalf of their Saponi "Brothers and Friends." Similarly, Cherokees

who killed a Cheraw found that they had to answer to Catawbas. (*see x, Attachment E*)

197. Some tribes remained at the Catawba River Settlement and as time went on, they became Catawbans:

Among those who remained a traditional narrow ethnic allegiance slowly faded to be replaced by a broader Catawba identity...long before the American Revolution most peoples in the nation had begun to speak to one another and to the world with a single voice. (*see y, Attachment E*)

198. In 1732, a few years after they had arrived, the Saponis left the Catawba River Settlement and returned to Virginia.

Not all natives found life in the Catawba Nation to their taste. In May 1732 the **Saponis** and a few Cheraws visited Lieutenant Governor Gooch to ask permission to return to Virginia. Permission granted they erected a fort some where along the Appamatic or Roanoke River and settled back into familiar territory. (*see z, Attachment E*)

199. However, this return to Virginia found the Saponis once again confronted by the problems of numerous settlers who were not happy to have Indians nearby.

The problems that had driven **Saponis** from Virginia three years before the invitation of the Iroquois force to move north and join the six nations soon returned to plague them... **Saponis** under this pressure soon broke into fragments, some moving in with the **North Carolina** Tuscaroras, others seeking out a powerful friend like the trader William Eaton or the former Virginia executive Alexander Spotswood. The rest accepting the invitation of the Iroquois force to move north and join the six nations.

**Saponis** never told Spotswood, Tuscaroras, or the Iroquois why they left the Catawbas, and it is impossible at this remove to pinpoint the source of their unhappiness. The doubts raised about these friends and brothers in 1727 apparently were confirmed once in the Nation. One **Tutelo** woman, daughter of a headman, took poison soon after moving south, "fearing she should not be treated according to her rank." (*see aa, Attachment E*)

200. In 1738, Fort Christianna was closed. The Indian population at the Fort which had often varied, was temporarily reduced and Virginia abrogated the Treaty. The lands around the Fort were patented out under a treaty provision allowing Virginia to sell the land if the population of the tribe fell below a certain number.

201. Despite the breakup of the Fort, some members of the Saponi Tribe remained in the area of the Fort, maintaining their town there, **Junckatapurse**, until 1743-1755.

202. Some of the confederated Saponi tribal peoples were seen to be living in Southern Virginia not far from the Meherrin River which runs through Mecklenburg, Brunswick, and Greenville Counties, Virginia close to where the Fort had been.

203. During this period, some of the Saponi people made a second attempt to live at the Catawba River Settlement in North Carolina. For reasons not clearly known, that attempt also failed and in 1748 the Saponis returned once again to Virginia. (*see bb, Attachment E*)

204. Even though the Catawbans and the Saponi were Souan speaking Piedmont Indians, their incompatibility was sure:

The **Saponi** experience helps to locate the limits of the Catawbas' abilities to absorb outsiders. Though Siouan-speakers and Piedmont peoples, **Saponis** were descended from the Monacan and Mannahoac stock, branches quite distinct in speech and custom from their southern cousins. It would appear, then, that Catawbas could incorporate

small and culturally variant peoples, a Natchez and Yamasee band, or sizable groups that were close relatives, like Cheraws and Waterees, but that large and foreign populations proved more difficult. Precisely how **Saponis** discovered this incompatibility is unclear; but they learned very quickly, and took steps to correct their mistake.

(see cc, Attachment E)

205. By the 1750s, some remnants of Saponi had also settled in North Carolina. The North Carolina Colonial records of 1754 outlined the status of various counties. Under **Granville County**, which is just south of the Roanoke River, is the following entry:

No arms or ammunition in the stores. There are almost 12 or 11 **Saponi** men and as many women and children in the county. (see dd, Attachment E)

206. Indians were also reported in Alamance County and Saponis were reported in Granville County:

In reply to your letter of April 5<sup>th</sup> and accompanying documents relative to (illegible) Indians in Alamance County, North Carolina I would say that I have only a few notes bearing on the subject. We know that some small Siouan tribes lived in this neighborhood in the latter part of the 17<sup>th</sup> Century and early part of the 18<sup>th</sup> and that as late as 1756 there was a small body of **Saponi** Indians in the neighboring county of Granville.

(see ee, Attachment E)

207. In 1757 history records that some Saponis were still in Virginia. In an interesting report they stated that, though they had "buried their hatchets," the French had so inflamed them that they now wished to join "Colonel Washington" in his fight:

The President gave an audience to King Blount and 33 Tuscaroras, Meherrins, two **Saponis**, and 13 Nottoways, who came in company the day before to Williamsburg; That Captain Jack the Chief of the Tusks next to the King who is old and feeble produced and delivered to him a letter from Colonel Washington inviting and encouraging them to come and join us against our enemies and said what the Colonel had writ was very agreeable to them... they had buried deep underground their guns, tomahawks and hatchets but exasperated and inflamed by the shocking cruelties exercised on their brethren by the French and their base Indians they had now concurred in raising up their arms... (see ff, Attachment E)

208. It is found as fact that the Saponis, the Tutelo, the Occaneechi and the Catawbas were indigenous to North Carolina at least 200 years ago.

209. It is found as fact that in the late 1600s the Occaneechi, Tutelo and Saponi Tribes merged.

210. It is found as fact that in the era of Fort Christianna, the Occaneechi and Tutelo along with other tribes were subsumed under the tribal name of Saponi.

211. It is found as fact that the Catawbas were present at Fort Christianna at least in pursuit of peace agreements.

212. It is found as fact that the Catawba Tribe was joined at the Catawba River Settlement by many other tribes including the Saponi and remnants of tribes whose identity eventually became closely associated with the name, Catawban.

213. It is found as fact that the Saponis moved into the Catawba River Settlement in North Carolina on at least two occasions.

**C. Petitioning Group's Tribal Identity**

214. Indian people were rarely identified as "Indian" in historic documents and were very rarely identified

tribally.

215. Maintaining tribal identity was problematic for many reasons. For example, it had been the policy of the Government to abolish Indian tribal unity. D.M. Browning, Commissioner of the Department of the Interior, Office of Indian Affairs wrote on January 16, 1896, in pertinent part:

I am in receipt of your letter of January 9, 1896 from one P.H. Head, a Catawba Indian, of Sanford, Colorado, submitting a Petition purporting to have been signed by himself and 25 others...asking to be united with the Ute Indians...**In reply I have to say that it is the policy of the government to abolish the tribal relations of the Indians as fast as possible and to settle each Indian upon a separate tract of land that he can call his own, to the end that he may become self-supporting and independent of government bounty.** (see gg, Attachment E)

216. In the early 1700s, a European settler in Virginia by the name of John Jeffries married an Indian woman later identified as Judith. They settled in what is now Greenville, County Virginia. We know of this marriage through the will of John Jeffries and we know of Judith Jeffries' heritage through identification of her great grandson, James Jeffries.

217. The Greenville County location where John and Judith settled was about one mile from the road which led to Fort Christianna. It was also about four miles from the North Carolina line, and a short distance from the Saponi town of Junckatapurse.

218. John and Judith Jeffries had a number of children including John, Andrew, Nathan, Shadrack, and Simon, which we also know from John's will and the land grants he made to his sons.

219. The Petitioning Group submitted numerous documents placing the Jeffries and Guy families in Greenville County, Virginia. Some of these historical documents are the following:

- (a) The deeds of John Jeffries, Sr. (1789);
- (b) Dills' history of Greene County, Ohio, stating that James Jeffreys was born in Greenville County, Virginia in 1821; (see hh, Attachment E)
- (c) The Whitley County Indiana record stating that Herbert Jeffries is a native of Greenville County, Virginia; (see ii, Attachment E)
- (d) The deposition of Susan Wooten stating that she grew up near the mother of Macklin Jeffries who lived in Greenville County, Virginia. (see jj, Attachment E)
- (e) The deposition of Shadrack Jeffries attesting that he came from Greenville County, Virginia and was a playmate of Macklin Jeffries. (see kk, Attachment E)
- (f) Dr. McDowell's letters stating that the Guys with their Jeffries' wives left their tribe and went to Greenville County, Virginia. (see ll, Attachment E)

220. The Petitioning Group has also submitted many documents showing that the Jeffries and Guy families, then living in Greenville County, Virginia were Indians.

221. James Jeffries, a great grandson of the original John Jeffries moved from Greenville County, Virginia to Xenia, Ohio. He became a well-known figure locally because of his cabinet making and fiddling. He lived to be over 100 years old and each year on his birthday the local newspaper wrote stories of his celebration.

222. In a Xenia, Ohio newspaper article celebrating James Jeffries' 96<sup>th</sup> birthday, the reporter stated:

Mr. Jeffries has Indian blood in his veins. He is **Tutelo-Saponi** and traces his ancestry back to Pocahontas. (*see mm, Attachment E*)

223. In another Xenia, Ohio Newspaper article concerning the 100<sup>th</sup> birthday of the same James Jeffries, the report stated:

And so the Indian strain has not only brought him hardihood but has taught him how to live best to preserve health and youth. **It was the head of the Jeffries family in this country who introduced the Indian blood into the family, when he married an Indian maiden of the same tribe to which Pocahontas belonged.** And although that was several generations back, the hardihood of the red man's race crops out in this wonderfully preserved centenarian. (*see nn, Attachment E*)

224. This newspaper account is the only time the tribe of Pocahontas (commonly called the Powhatans) is identified. There is no other indication that the Jeffries family was **Powhatan**. The Powhatans, however, were located in the same area of Southeastern Virginia, Jamestown and Williamsburg, as were the Saponi people.

225. In fact, historic accounts of tribes were not always clear. One report confused the Saponis with Chief **Powhatan** who, history records, was the father of Pocahontas. In an account entitled the History of the American Indians published in London in 1774, the author stated in pertinent part:

In Virginia reside the remnant of an Indian Tribe who called themselves **Sepone**...our early American writers have bestowed on these Indians an emperor, according to the Spanish copy, calling him **Powhatan**.  
(*see oo, Attachment E*)

226. Clayton Jeffries who lived in Alamance County, North Carolina in the early 1900s gathered historical evidence from the old people who were alive and remembered older times:

Hudson Jeffries moved to this county from Virginia a number of years ago. His sons names were Simon Jeffries and Hudson Jeffries also. They met on election day to vote. This was before the Revolutionary War.

Jennie Jeffries, before she married a Corn, remembers General Washington. We understand they moved from Jamestown, Virginia on wagons hand made all of wood. Not every skeen nor box. And went to school with white people at that time.

There was Chavis came with Mr. Redin. Chavis drove a six-horse train across the James River before the Revolutionary War.

This is what Rufers Jeffries knows about it from his fore parents. Young Hudson Jeffries was his father. He said that he had heard the people speak of Captain John Smith. (*see pp, Attachment E*)

227. Clayton Jeffries wrote a series of letters attempting to get a school for his people whom he purported were Indians. On January 17, 1934, he wrote:

I noticed a record of Indians in the daily news some time ago. You failed to have all of them because there are several hundred of us in this county that is not on record and we want to get in touch with you because we have no school for our children... (*see qq, Attachment E*)

228. In another of Clayton Jeffries' letters, he states that he is glad the government can trace his people back to 1758, the date which was noted in reference to the Tutelo-Saponi people. (*see rr, Attachment E*)

229. Other accounts document that some ancestors of the Petitioning Group were Catawban.

230. Dill's History of Greene County, Ohio, dated 1881, identified Uriah and Silas Jeffries who were closely

related to James Jeffries, as descendants of the Catawba Tribe of Indians. (*see ss, Attachment E*)

231. In 1869, Dr. Joseph McDowell ( who was married to a Guy woman) wrote to the Commissioner of Indian Affairs on behalf of the Guy family and their Jeffries wives, who lived then in Macon County, North Carolina. Dr. McDowell requested financial assistance for these "70 souls" to move west. Dr. McDowell writes in part:

I take the liberty of addressing to you a few lines on behalf of a remnant of the tribe of Catawba Indians, a part of whom reside in North Carolina, Tennessee, and Georgia. Some 60 or 70 years since they left their tribe and went to Greenville County, Virginia and then removed to Orange County, North Carolina and when the Cherokee treaty of 1828 was made and the County of Macon, North Carolina was acquired they sold out in Orange and moved to Macon County, North Carolina where they purchased lands and have remained ever since. (*see tt, Attachment E*)

232. This letter included a list of all of the 70 people, most of whom were Guys and some of whom were Jeffries.

233. This letter was also discussed in Senate Document 144 which again documented the list of names and stated that the people whose names were on the list were descendants of two Revolutionary War Soldiers, Catawban Indians: Simon Jeffries and William Guy. (*see uu, Attachment E*)

234. Marriage records show that during the time they lived in Orange County, North Carolina the Guy and Jeffries families intermarried frequently.

235. The Petitioning Group submitted many documents which verify that the Greensville County, Virginia settlement eventually broke up and the people moved to Alamance, Orange, Caswell and Macon Counties, North Carolina as well as to Ohio and Indiana.

236. It is found as fact that the Jeffries family traces their heritage to the Tutelo-Saponi and Catawba Tribes.

#### (IV.) Designation Of A Tribal Name

237. The tribal names used by the Europeans in the 18<sup>th</sup> and 19<sup>th</sup> centuries were very commonly not the same names the tribes used for themselves. Before the Europeans came, tribes may not have had names for themselves except to the extent it was needed to distinguish themselves from their neighbors. Later, names were developed primarily by the Europeans, to distinguish one Indian group from another. Those names appear to have been adopted by the Indian groups as they found it more and more necessary to interact with the Europeans.

238. As tribes began to organize in modern times, it has been common practice for the tribe to adopt a name if their original tribal identity has been lost. For example, the Haliwa-Saponi crafted their name from the Counties of Halifax (Hali) and Warren (Wa).

239. Commission members and Staff testified that the name adopted by a present day tribe is not a critical factor.

240. In his review of the Petition, Dr. Daniels stated:

The choice of a name for the present tribe is, I believe, a matter outside the strict application of the procedures though the Review Committee may wish to make some recommendation on that matter.

241. In its original Petition, the Petitioning group described how it settled on the tribal name:

When the community decided that it was appropriate to adopt an Indian name to describe itself and to declare its Indian-ness to non-Indians living around it, its leadership chose to recognize the community's relationship to the Siouan tribes from which they are descended and who lived in the area of Pleasant Grove at when the Europeans arrived. (sic) Both the Eno and the Occaneechi tribes are known to have had settlements in the area into the historical period, and the community chose the name

Eno-Occaneechi for that reason.

The name Saponi might have seemed to be more accurate, given the community's direct descent from the Saponi living around Fort Christianna. The Association did not consider this name, however, because there already existed a recognized Indian tribe in North Carolina using that name. The incorporation with the Saponi of the Eno and Occaneechi in 1713 supports this choice as logical and appropriate.

242. Some of the evidence indicates an ancient tribal identity as Catawban. In a summation submitted by the Petitioners address this:

Why then do the Occaneechi not call themselves Catawba? The Occaneechi provided the Recognition Committee numerous documents proving that in the late 1700s and early 1800s the Catawba name did not designate a tribe so much as a **confederation** of several tribes, including the Catawba proper. When the Occaneechi were identified as Catawba, and were identifying themselves as such, they were recognizing their relationship to the Catawba **confederation, and not claiming to be Catawba in the sense that the present day South Carolina tribe is Catawba.**

Finally, what does the law require of a petitioning group in terms of it's name? North Carolina Law states that a petitioning group must trace itself to "tribes indigenous to North Carolina at least for the last 200 years." Leaving aside the opinions of experts who have examined this petition, **there is no legal requirement that a petitioning group call itself by the name of the tribe it descends from, nor, with the exception of the Eastern Cherokee and the Meherrin, do any of the presently recognized North Carolina tribes do so.** The Occaneechi have fulfilled the requirement of the law in this matter in tracing descent from tribes native to North Carolina, and who have lived here for hundreds of years. They are not required to call themselves Catawba, and have presented to the Recognition Committee their reasons for their choice of name.

Based on the above Findings of Fact, the undersigned makes the following:

**CONCLUSIONS OF LAW**

**I. The Eight Criteria**

1. The Commission has determined that three of the eight criteria Criteria four, six and eight have been met. Of the remaining criteria, the undersigned determines the following:

2. It is concluded that Criterion One has been met.
3. It is concluded that Criterion Two has not been met.
4. It is concluded that Criterion Three has been met.
5. It is concluded that Criterion Five has been met.
6. It is concluded that Criterion Seven has not been met.

7. It is concluded that, since the Petitioning Group has satisfied three Criteria with the Commission, and an additional three criteria above, the Petitioning Group has met more than five of the eight criteria and satisfactorily meets the requirement of 1 NCAC 15 .0209.

**II. The Tribal Roll**

8. It is concluded that the requirement for a tribal roll showing kinship ties has been met subject to the submission of addresses of the tribal members on the tribal roll.

**III. The 200 Year Requirement**

**(A) 200 Year Genealogy**

9. It is concluded that the Jeffries family has documented its ancestry from people on the current tribal roll back more than 200 years to people identified as Indians.

**(B) Tribal Existence in North Carolina 200 Years Ago**

10. It is concluded that the Saponis, Occaneechis, Tutelos and Catawbas were tribes indigenous to North Carolina 200 years ago.

11. It is concluded that the Occaneechi and Tutelo were subsumed under the tribal name Saponi.

12. It is Concluded that the Saponi and the Catawba Tribes interacted at Fort Christianna, lived together on at least two occasions, spoke the same Siouan language, and were otherwise allied.

**(C) Petitioning Group's Tribal Identity:**

13. Both rules dealing with the 200 year tribal link require that Petitioning Groups trace back to indigenous tribes, using the plural of the word. (1 NCAC 15 .0208 and .0211)

14. The evidence on tribal identity indicates that James Jeffries of Xenia, Ohio identified his great grandmother as Tutelo-Saponi. Dr. McDowell identified his group which was primarily Guys with some Jeffries wives as Catawban. Geographic evidence indicates that the Jeffries and Guy families trace back to Greensville County, Virginia, remarkably close to Fort Christianna and the Saponi town of Junckatapurse.

It is possible that both these early accounts are accurate. The Jeffries may be originally Tutelo-Saponi. The account of the Guy family may indicate either that the Guys are Catawban or of the Catawban stock or confederacy.

These two families intermarried certainly by the early 1800s if they had not done so earlier. The Tutelo, Occaneechi, Saponi and Catawba Tribes intermingled to a great extent on a number of occasions.

It is shown by a preponderance of the evidence that this Petitioning Group traces back to the Saponi and Catawba Tribes, with the Saponi Tribe having subsumed both the Tutelo and Occaneechi Tribes.

The rules do not require that a Petitioning Group must be singularly comprised of one tribe with no intermarriages in ancient or recent history. In fact, the rules use the plural word, "Tribes".

15. It is therefore concluded that the Petitioning Group has traced its ancestry back 200 years to tribes indigenous to North Carolina in satisfaction of the requirement of 1 NCAC 15 .0211.

**II. Designation Of A Tribal Name**

16. Although recent history has shown that many modern day tribes have recreated a tribal name, sometimes using geographic names in combination with tribal names, there are no statutes and no rules covering the designation of a tribal name.

17. Neither party can be compelled to abide by regulations which do not exist and the undersigned can not adjudicate compliance with non-existent regulations. The selection of a tribal names is left to the good judgment of the Parties.

Based on the above Conclusions of Law, the undersigned makes the following:

**RECOMMENDATION**

That the North Carolina Commission of Indian Affairs grant tribal recognition to the Petitioners.

**ORDER**

It is hereby ordered that the agency serve a copy of the Final Decision on the Office of Administrative Hearings, P.O. Drawer 27747, Raleigh, N.C. 27611-7447, in accordance with North General Statute 150B-36(b).

**NOTICE**

The agency making the Final Decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney on record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the North Carolina Commission of Indian Affairs.

This the 7<sup>th</sup> day of December, 1998.

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Dolores O. Smith  
Administrative Law Judge

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This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. \* = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

## ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 0101 12.22 NCR 1981 13.05 NCR 502 \*

21 NCAC 01 0105 12.22 NCR 1981 13.05 NCR 502 \*

## ADMINISTRATION

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1 NCAC 25 0211 12.23 NCR 2088 13.08 NCR 642 \*

1 NCAC 25 0212 12.23 NCR 2088 13.08 NCR 642 \*

1 NCAC 25 0213 12.23 NCR 2088 13.08 NCR 642 \*

1 NCAC 25 0301 12.23 NCR 2088 13.08 NCR 642 \*

1 NCAC 25 0302 12.23 NCR 2088 13.08 NCR 642 \*

1 NCAC 25 0303 12.23 NCR 2088 13.08 NCR 642 \*

1 NCAC 25 0402 12.23 NCR 2088 13.08 NCR 642 \*

1 NCAC 25 0504 12.23 NCR 2088 13.08 NCR 642 \*

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1 NCAC 25 0506 12.23 NCR 2088 13.08 NCR 642 \*

1 NCAC 25 0602 12.23 NCR 2088 13.08 NCR 642 \*

1 NCAC 25 0603 12.23 NCR 2088 13.08 NCR 642 \*

1 NCAC 25 0605 12.23 NCR 2088 13.08 NCR 642 \*

### Indian Affairs, Commission of

1 NCAC 15 0201 13.02 NCR 175

1 NCAC 15 0202 13.02 NCR 175 \*

1 NCAC 15 0203 13.02 NCR 175 \*

1 NCAC 15 0204 13.02 NCR 175 \*

1 NCAC 15 0205 13.02 NCR 175 \*

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21 NCAC 57A 0205	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0206	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
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21 NCAC 57A 0304	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0305	13 01 NCR 3		13 05 NCR 513	*	<b>Object</b>	11/19/98				
21 NCAC 57A 0306	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0401	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0402	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0403	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0404	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0405	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0406	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0407	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0501	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
<b>ATHLETIC TRAINER EXAMINERS, BOARD OF</b>										
21 NCAC 03 0101		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 0102		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 0103		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 0201		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 0301		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 0302		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 0303		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 0304		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 0401		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
<b>ATHLETIC TRAINER EXAMINERS/MEDICAL BOARD COMMITTEE</b>										
21 NCAC 03 0501		12 18 NCR 1714	12 22 NCR 2007	*	Approve	09/17/98	*		13 11 NCR 912	

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					Action	Date				
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS										
21 NCAC 08A 0301	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08A 0308	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08A 0310	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08A 0315	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08F 0107	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08F 0504	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08H 0001	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08H 0002	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08I 0004	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08J 0002	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08J 0007	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08J 0008	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08J 0010	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08J 0011	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08K 0104	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08K 0105	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0102	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0103	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0104	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0201	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0202	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0204	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0206	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0207	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0301	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0302	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M 0303	13-03 NCR 269		13-08 NCR 696	*						

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21 NCAC 08M .0304	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M .0305	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M .0306	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M .0401	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M .0402	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08M .0403	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08N .0202	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08N .0208	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08N .0302	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08N .0303	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08N .0306	13-03 NCR 269		13-08 NCR 696	*						
21 NCAC 08N .0307	13-03 NCR 269		13-08 NCR 696	*						
<b>CHIROPRACTIC</b>										
21 NCAC 10 .0203		12-23 NCR 2098								
<b>COMMERCE</b>										
4 NCAC 01E .0104	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01E .0202	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01E .0205	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01E .0206	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01E .0207	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01E .0303	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01E .0306	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01F	11-09 NCR 569									
4 NCAC 01H	11-09 NCR 569									
4 NCAC 01H .0101	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0102	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0201	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0202	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H .0301	11-09 NCR 569		13-08 NCR 652	*						

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4 NCAC 01H .0302	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0303	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0304	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0401	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0402	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0403	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0404	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0405	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0501	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0502	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0503	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0601	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01H .0701	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01J	11 09 NCR 569									
4 NCAC 01K .0101	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0102	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0103	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0104	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0105	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0202	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0203	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0204	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0205	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0206	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0301	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0302	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0401	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0402	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01K .0404	11 09 NCR 569		13 08 NCR 652	*						

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					Action	Date				
Banking Commission										
4 NCAC 03B .0101					Object	10/22/98				
4 NCAC 03B .0102					Object	10/22/98				
4 NCAC 03B .0103					Object	10/22/98				
4 NCAC 03H .0102					Object	10/22/98				
COMMUNITY COLLEGES										
23 NCAC 02B .0104	13 10 NCR 804									
23 NCAC 02C .0307		13 05 NCR 524								
23 NCAC 02C .0503		13 10 NCR 815								
23 NCAC 02C .0504		13 10 NCR 815								
23 NCAC 02C .0505		13 10 NCR 815								
COSMETIC ART EXAMINERS										
21 NCAC 14A .0104	N/A	N/A	N/A	N/A	Approve	07/23/98			13 09 NCR 779	
21 NCAC 14I .0107	12 22 NCR 1981		13 02 NCR 246	*	Approve	09/17/98	*		13 11 NCR 912	
21 NCAC 14L .0105	12 06 NCR 453		12 11 NCR 925	*	Approve	06/18/98			13 03 NCR 334	
21 NCAC 14N .0103	12 06 NCR 453		12 11 NCR 925	*	Approve	09/17/98	*		13 11 NCR 912	
CRIME CONTROL & PUBLIC SAFETY										
Governor's Crime Commission										
14A NCAC 07 .0313	11 24 NCR 1818		12 01 NCR 6	*	Object Approve	09/17/98 10/22/98	*		13 11 NCR 912	
DENTAL EXAMINERS										
21 NCAC 16G .0101	13 10 NCR 804									
21 NCAC 16G .0102	13 10 NCR 804									
21 NCAC 16G .0103	13 10 NCR 804									
21 NCAC 16H .0101	12 24 NCR 2203									
21 NCAC 16H .0102	12 24 NCR 2203									
21 NCAC 16H .0103	12 24 NCR 2203									
21 NCAC 16H .0104	12 24 NCR 2203									
21 NCAC 16H .0201	12 24 NCR 2203									

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					Action	Date				
21 NCAC 16H 0202	12.24 NCR 2203									
21 NCAC 16H 0203	12.24 NCR 2203									
21 NCAC 16H 0204	12.24 NCR 2203									
21 NCAC 16H 0205	12.24 NCR 2203									
21 NCAC 16H 0206	12.24 NCR 2203									
21 NCAC 16I 0004	11.20 NCR 1538									
21 NCAC 16I 0005	11.20 NCR 1538									
21 NCAC 16M 0101		13.11 NCR 910								
21 NCAC 16P 0101	13.10 NCR 804									
21 NCAC 16P 0102	13.10 NCR 804									
21 NCAC 16P 0103	13.10 NCR 804									
21 NCAC 16P 0104	13.10 NCR 804									
21 NCAC 16P 0105	13.10 NCR 804									
21 NCAC 16Q 0101	12.24 NCR 2203									
21 NCAC 16Q 0201	12.24 NCR 2203									
21 NCAC 16Q 0301	12.24 NCR 2203									
21 NCAC 16R 0002	11.20 NCR 1538									
21 NCAC 16R 0003	11.20 NCR 1538									
21 NCAC 16R 0005	11.20 NCR 1538									
21 NCAC 16S 0205	13.10 NCR 804									
21 NCAC 16V 0101	13.10 NCR 804									
21 NCAC 16V 0102	13.10 NCR 804									
21 NCAC 16V 0102	N/A	N/A	N/A	N/A	Approve	08/20/98			13.10 NCR 817	
<b>ELECTRICAL CONTRACTORS, EXAMINERS OF</b>										
21 NCAC 18B 0108	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0201	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0202	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98	*			
21 NCAC 18B 0203	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0402	12.22 NCR 1982		13.05 NCR 502	*	Approve	11/19/98				

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21 NCAC 18B 0406	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98	*			
21 NCAC 18B 0501	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98	*			
21 NCAC 18B 0504	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98	*			
21 NCAC 18B 0505	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98	*			
21 NCAC 18B 0701	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0702	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0703	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0704	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0706	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1001	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1002	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1003	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1004	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1101	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1102	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1104	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1105	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98	*			
<b>EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF</b>										
21 NCAC 11 0101	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0102	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0103	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0104	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0105	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0106	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0107	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0108	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0109	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0110	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0111	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						

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21 NCAC 11 0112	12 19 NCR 1764	12 21 NCR 1884	13 03 NCR 313	S/L						
<b>ENVIRONMENT AND NATURAL RESOURCES</b>										
Notice of Intent to Redevelop a Brownfields Property										
15A NCAC 01K	10 19 NCR 2506									
15A NCAC 01M 0101		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0102		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0201		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0202		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0301		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0302		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0303		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0304		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0305		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0306		11 19 NCR 1439	Temp Expired							
15A NCAC 01N 0101	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	*	Approve	11/19/98				
15A NCAC 01N 0102	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	*	Approve	11/19/98				
15A NCAC 01N 0103	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0201	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0202	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0203	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0301	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0302	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0303	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0304	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0401	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0402	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0403	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Object	11/19/98				
15A NCAC 01N 0501	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0502	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98	*			

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15A NCAC 01N .0503	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N .0601	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N .0602	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N .0603	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N .0604	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	<b>Object</b>	11/19/98				
15A NCAC 01N .0605	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N .0606	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N .0701	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	<b>Object</b>	11/19/98				
15A NCAC 01N .0702	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N .0703	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	<b>Object</b>	11/19/98				
15A NCAC 01N .0704	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N .0705	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N .0801	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N .0802	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N .0901	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N .0902	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01O .0101	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O .0102	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O .0103	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O .0104	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O .0105	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O .0106	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O .0107	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O .0108	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O .0109	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 12B .0901	12-13 NCR 1097	12-03 NCR 209	13-05 NCR 495	L						

## Coastal Resources Commission

15A NCAC 07 11-04 NCR 183

Temp. Expired

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15A NCAC 07H 0208	11 19 NCR 1408		11 27 NCR 2058	*						
15A NCAC 07H 0208	12 21 NCR 1873									
15A NCAC 07H 0209	12 21 NCR 1873									
15A NCAC 07H 0210	12 02 NCR 52									
15A NCAC 07H 0300	13 05 NCR 436									
15A NCAC 07H 0306	11 04 NCR 183		11 11 NCR 907	*						
15A NCAC 07H 0306	12 19 NCR 1763									
15A NCAC 07H 0308	12 16 NCR 1489		13 01 NCR 26	S	Approve	09/17/98	*		13 11 NCR 912	
15A NCAC 07H 0309	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 0310	12 11 NCR 919		12 20 NCR 1828	S	Approve	08/20/98	*		13 10 NCR 817	
15A NCAC 07H 1100	12 21 NCR 1873									
15A NCAC 07H 1200	12 21 NCR 1873									
15A NCAC 07H 1300	12 21 NCR 1873									
15A NCAC 07H 1400	12 21 NCR 1873									
15A NCAC 07H 1500	12 21 NCR 1873									
15A NCAC 07H 1600	12 21 NCR 1873									
15A NCAC 07H 1600	11 15 NCR 1200									
15A NCAC 07H 1700	12 21 NCR 1873									
15A NCAC 07H 1705	12 16 NCR 1489		13 01 NCR 26	S	Object	09/17/98			13 11 NCR 912	
15A NCAC 07H 1805		13 07 NCR 593			Approve	10/22/98	*			
15A NCAC 07H 2101	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2102	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2105	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2401	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2402	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2403	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2404	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2405	13 05 NCR 436		13 13 NCR 1044	S						

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15A NCAC 07J .0200	12-24 NCR 2202									
15A NCAC 07J .0204		13-07 NCR 593								
15A NCAC 07J .0405	12-24 NCR 2202									
15A NCAC 07K .0203	12-21 NCR 1873									
15A NCAC 07K .0208	12-21 NCR 1873									
15A NCAC 07L .0202	12-21 NCR 1874									
15A NCAC 07L .0203	12-21 NCR 1874									
15A NCAC 07L .0206	12-21 NCR 1874									
15A NCAC 07L .0302	12-21 NCR 1874									
15A NCAC 07L .0304	12-21 NCR 1874									
15A NCAC 07L .0401	12-21 NCR 1874									
15A NCAC 07L .0405	12-21 NCR 1874									
15A NCAC 07M .0300	12-24 NCR 2202									
15A NCAC 07M .0401	13-04 NCR 361	13-12 NCR 976								
15A NCAC 07M .0402	13-04 NCR 361	13-12 NCR 976								
15A NCAC 07M .0403	13-04 NCR 361	13-12 NCR 976								
15A NCAC 07O .0105	13-02 NCR 176		13-06 NCR 551	S						
15A NCAC 07O .0202	13-02 NCR 176		13-06 NCR 551	S						
<b>Environmental Management Commission</b>										
15A NCAC 02 .10-24 NCR 3045										
15A NCAC 02 .11-04 NCR 183										
15A NCAC 02 .11-19 NCR 1408										
15A NCAC 02B .0100	13-08 NCR 621									
15A NCAC 02B .0101	11-24 NCR 1818		11-30 NCR 2303	*						
15A NCAC 02B .0200	13-08 NCR 621									
15A NCAC 02B .0202	11-24 NCR 1818		11-30 NCR 2303	*						
15A NCAC 02B .0223	11-02 NCR 75									
15A NCAC 02B .0223	11-03 NCR 109									
15A NCAC 02B .0227	10-18 NCR 2400		11-12 NCR 973	*						

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15A NCAC 02B 0230	11 24 NCR 1818		11 30 NCR 2303	*						
15A NCAC 02B 0231	11 02 NCR 75		11 10 NCR 824	L/SE						
			11 14 NCR 1136							
15A NCAC 02B 0233	11 02 NCR 75		11 10 NCR 824	L	Object	01/15/98	*			
		12 02 NCR 77	11 14 NCR 1136	L	Approve	02/19/98			12 22 NCR 2012	Disapproved (HB 1402)
		12 14 NCR 1348								
		12 20 NCR 1836								
15A NCAC 02B 0245	12 23 NCR 2088		12 06 NCR 462	S/L/SE						
15A NCAC 02B 0246	12 23 NCR 2088		13 04 NCR 368	*						
15A NCAC 02B 0247	12 23 NCR 2088		13 04 NCR 368	*						
15A NCAC 02B 0248	12 23 NCR 2088		13 04 NCR 368	L/SE						
15A NCAC 02B 0249	12 23 NCR 2088		13 04 NCR 368	*						
15A NCAC 02B 0250	12 23 NCR 2088		13 04 NCR 368	SE						
15A NCAC 02B 0251	12 23 NCR 2088		13 04 NCR 368	L/SE						
15A NCAC 02B 0308	12 12 NCR 993		12 21 NCR 1879	*	Approve	11/19/98				
15A NCAC 02B 0308	12 14 NCR 1233		12 23 NCR 2091	L	Approve	11/19/98				
15A NCAC 02B 0308	12 16 NCR 1489		12 19 NCR 1769	*	Approve	11/19/98				
15A NCAC 02B 0309	12 14 NCR 1233		12 19 NCR 1769	*	Approve	11/19/98				
15A NCAC 02B 0311	12 10 NCR 865		12 20 NCR 1825	*	Approve	11/19/98				
15A NCAC 02B 0311	12 23 NCR 2088		13 04 NCR 368	*						
15A NCAC 02B 0313	12 10 NCR 865		12 20 NCR 1825	*	Approve	11/19/98				
15A NCAC 02B 0316	11 26 NCR 1976		12 01 NCR 6	*	Approve	01/15/98	*		12 21 NCR 1886	Disapproved (HB 1402)
15A NCAC 02D	13 12 NCR 943									
15A NCAC 02D 0101	12 02 NCR 52									
15A NCAC 02D 0101	12 16 NCR 1482									
15A NCAC 02D 0108	11 15 NCR 1200									
15A NCAC 02D 0307	11 15 NCR 1200									
15A NCAC 02D 0405	12 16 NCR 1482		13 03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02D 0409	12 16 NCR 1482		13 03 NCR 270	*	Approve	11/19/98				

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15A NCAC 02D .0410	12.16 NCR 1482		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .0501	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .0501	11.15 NCR 1200									
15A NCAC 02D .0501	11.04 NCR 183									
15A NCAC 02D .0503	10.24 NCR 3045		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .0504	10.24 NCR 3045		13.03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02D .0518	11.19 NCR 1408									
15A NCAC 02D .0521	11.15 NCR 1200									
15A NCAC 02D .0524	11.15 NCR 1200									
15A NCAC 02D .0524	13.08 NCR 621									
15A NCAC 02D .0525	11.15 NCR 1200									
15A NCAC 02D .0540	13.04 NCR 356									
15A NCAC 02D .0541	13.08 NCR 621									
15A NCAC 02D .0601	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98				
15A NCAC 02D .0602	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98				
15A NCAC 02D .0604	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .0605	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .0606	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .0607	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .0608	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .0610	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .0610	11.15 NCR 1200									
15A NCAC 02D .0611	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .0611	11.15 NCR 1200									
15A NCAC 02D .0612	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .0612	11.15 NCR 1200									
15A NCAC 02D .0613	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .0613	11.15 NCR 1200									
15A NCAC 02D .0614	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			

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15A NCAC 02D 0614	11.15 NCR 1200									
15A NCAC 02D 0615	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98				
15A NCAC 02D 0615	11.15 NCR 1200									
15A NCAC 02D 0806	11.26 NCR 1976									
15A NCAC 02D 0902	11.19 NCR 1408									
15A NCAC 02D 0903	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98				
15A NCAC 02D 0903	11.15 NCR 1200									
15A NCAC 02D 0909	11.19 NCR 1408									
15A NCAC 02D 0912	11.15 NCR 1200									
15A NCAC 02D 0917	11.19 NCR 1408									
15A NCAC 02D 0918	11.19 NCR 1408									
15A NCAC 02D 0919	11.19 NCR 1408									
15A NCAC 02D 0920	11.19 NCR 1408									
15A NCAC 02D 0921	11.19 NCR 1408									
15A NCAC 02D 0922	11.19 NCR 1408									
15A NCAC 02D 0923	11.19 NCR 1408									
15A NCAC 02D 0924	11.19 NCR 1408									
15A NCAC 02D 0934	11.19 NCR 1408									
15A NCAC 02D 0948	11.19 NCR 1408									
15A NCAC 02D 0949	11.19 NCR 1408									
15A NCAC 02D 0950	11.19 NCR 1408									
15A NCAC 02D 0951	11.19 NCR 1408									
15A NCAC 02D 0952	12.16 NCR 1482									
15A NCAC 02D 0954	11.15 NCR 1200									
15A NCAC 02D 1100	11.08 NCR 442									
15A NCAC 02D 1103	13.04 NCR 356									
15A NCAC 02D 1104	12.02 NCR 52	12.02 NCR 77								
15A NCAC 02D 1104	13.04 NCR 356									
15A NCAC 02D 1105	10.18 NCR 2318		12.22 NCR 1983	*	Approve	11/19/98	*			

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15A NCAC 02D .1105	11 15 NCR 1200									
15A NCAC 02D .1106	11 26 NCR 1976									
15A NCAC 02D .1200	13 12 NCR 943									
15A NCAC 02D .1201	12 16 NCR 1482		13 03 NCR 270	L	Approve	11/19/98				
15A NCAC 02D .1202	12 16 NCR 1482		13 03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1203	11 15 NCR 1200									
15A NCAC 02D .1203	12 16 NCR 1482		13 03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1204	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .1204	12 16 NCR 1482		13 03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1205	12 16 NCR 1482		13 03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1206	12 16 NCR 1482		13 03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1208	12 16 NCR 1482		13 03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1209	12 16 NCR 1482		13 03 NCR 270	L	Object	11/19/98	*			
15A NCAC 02D .1404	10 18 NCR 2318		13 03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1404	11 15 NCR 1200		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .1501	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .1502	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .1503	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .1504	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .1601	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .1700	12 02 NCR 52									
15A NCAC 02D .1903	12 16 NCR 1482									
15A NCAC 02D .1903	13 12 NCR 943									
15A NCAC 02D .1904	12 16 NCR 1482									
15A NCAC 02D .2001	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02D .2002	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .2003	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02D .2004	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .2005	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98	*			

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15A NCAC 02D 2100	13 04 NCR 356									
15A NCAC 02D 2200	11 26 NCR 1976									
15A NCAC 02H 0226	12 20 NCR 1817	13 04 NCR 426	13 05 NCR 491	*						
15A NCAC 02H 0610	10 18 NCR 2317		12 08 NCR 650	*	Approve	09/17/98			13 11 NCR 912	
15A NCAC 02H 0610	12 02 NCR 52	12 02 NCR 77 Temp Expired 04/11/98								
15A NCAC 02H 0800	13 04 NCR 356									
15A NCAC 02H 0800	13 08 NCR 621									
15A NCAC 02H 1202	11 15 NCR 1200									
15A NCAC 02H 1203	11 15 NCR 1200									
15A NCAC 02H 1204	11 15 NCR 1200									
15A NCAC 02H 1205	11 15 NCR 1200									
15A NCAC 02L	11 15 NCR 1200 11 15 NCR 1204									
15A NCAC 02L 0106		12 08 NCR 713								
15A NCAC 02L 0115	11 15 NCR 1204	12 08 NCR 713								
15A NCAC 02L 0202	10 20 NCR 2591									
15A NCAC 02L 0202	13 04 NCR 356									
15A NCAC 02N	11 15 NCR 1200									
15A NCAC 02N	11 15 NCR 1204									
15A NCAC 02P	11 15 NCR 1200									
15A NCAC 02P 0402	11 15 NCR 1204	12 08 NCR 713								
15A NCAC 02Q 0102	11 19 NCR 1408									
15A NCAC 02Q 0102	12 02 NCR 52		13 03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02Q 0102	12 16 NCR 1482									
15A NCAC 02Q 0102	13 08 NCR 621									
15A NCAC 02Q 0102	13 12 NCR 943									
15A NCAC 02Q 0103	12 16 NCR 1482		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q 0103	12 20 NCR 1817									
15A NCAC 02Q 0107	12 16 NCR 1482		13 03 NCR 270	*	Approve	11/19/98				

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15A NCAC 02Q .0304	11.26 NCR 1976		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0306	11.26 NCR 1976		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0309	11.26 NCR 1976		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0314	11.26 NCR 1976		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0315	12.20 NCR 1817		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0401	12.04 NCR 240		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0402	12.04 NCR 240		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0508	13.08 NCR 621									
15A NCAC 02Q .0511	12.20 NCR 1817		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0700	11.08 NCR 442									
15A NCAC 02Q .0702	13.12 NCR 943									
15A NCAC 02Q .0703	13.04 NCR 356									
15A NCAC 02Q .0711	13.04 NCR 356									
15A NCAC 02Q .0801	12.02 NCR 52		13.03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02Q .0803	12.02 NCR 52		13.03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02Q .0808	12.16 NCR 1482		13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02R .0204	12.02 NCR 52		12.14 NCR 1267	S						
15A NCAC 02R .0205	12.02 NCR 52		12.14 NCR 1267	S						
15A NCAC 02R .0600	12.02 NCR 52									
<b>Health Services, Commission for</b>										
15A NCAC 13A .0100	12.02 NCR 52									
15A NCAC 13A .0109	12.07 NCR 509		12.22 NCR 2000	*	Approve	09/17/98			13.11 NCR 912	
15A NCAC 13A .0110	12.07 NCR 509		12.22 NCR 2000	*	Approve	09/17/98			13.11 NCR 912	
15A NCAC 13A .0111	12.07 NCR 509		12.22 NCR 2000	*	Approve	09/17/98			13.11 NCR 912	
15A NCAC 13B .1301		12.12 NCR 1064	12.24 NCR 2211	*	Approve	09/17/98			13.11 NCR 912	
15A NCAC 13B .1624	11.19 NCR 1764	13.03 NCR 325	12.24 NCR 2211	L	Object	09/17/98	*			
15A NCAC 13B .1627	11.08 NCR 442		11.13 NCR 1055	*	Approve	11/19/98				
15A NCAC 13B .1800	11.08 NCR 442									

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15A NC AC 13B 1800	11 26 NCR 1976									
15A NC AC 18A	11 04 NCR 183									
15A NC AC 18A 0425		12 14 NCR 1352								
		13 06 NCR 566	13 06 NCR 566	*						
15A NC AC 18A 0432		12 14 NCR 1352								
		13 06 NCR 566	13 06 NCR 566	*						
15A NC AC 18A 1601		12 21 NCR 1882								
15A NC AC 18A 1611		12 21 NCR 1882								
		13 12 NCR 979								
15A NC AC 18A 1720	12 16 NCR 1482	12 18 NCR 1713								
		12 21 NCR 1882								
		12 24 NCR 2228								
15A NC AC 18A 1808	13 08 NCR 621		13 13 NCR 1047	*						
15A NC AC 18A 1810		12 24 NCR 2228	13 13 NCR 1047	*						
15A NC AC 18A 1812	13 08 NCR 621		13 13 NCR 1047	*						
15A NC AC 18A 1952		13 12 NCR 979								
15A NC AC 18A 1953		13 12 NCR 979								
15A NC AC 18A 1954		13 12 NCR 979								
15A NC AC 18A 1955		13 12 NCR 979								
15A NC AC 18A 2308	12 03 NCR 168		12 07 NCR 519	*	Ext Review	12/18/97				
					Object	01/15/98				
15A NC AC 18A 2309	12 03 NCR 168		12 07 NCR 519	*	Ext Review	12/18/97				
					Object	01/15/98				
15A NC AC 18A 2508	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98				
15A NC AC 18A 2513	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98				
15A NC AC 18A 2515	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98				
15A NC AC 18A 2517	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98				
15A NC AC 18A 2518	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98				
15A NC AC 18A 2522	12 08 NCR 614		13 01 NCR 31	*	Object	10/22/98				
					Approve	11/19/98				*
15A NC AC 18A 2526	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98				*
15A NC AC 18A 2528	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98				*
15A NC AC 18A 2530	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98				*
15A NC AC 18A 2531	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98				*

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15A NCAC 18A .2532	12:08 NCR 614		13-01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2535	12:08 NCR 614		13-01 NCR 31	*	Approve	10/22/98	*			
15A NCAC 18A .2537	12:08 NCR 614		13-01 NCR 31	*	Object	10/22/98				
15A NCAC 18A .2539	12:08 NCR 614		13-01 NCR 31	*	Approve	11/19/98	*			
15A NCAC 18A .2543	12:08 NCR 614		13-01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2600	12:04 NCR 240		13-01 NCR 31	*	Approve	10/22/98				
15A NCAC 18A .2612		12:14 NCR 1352								
15A NCAC 18A .2801	12:16 NCR 1482	13-06 NCR 566	13-06 NCR 566	*	Approve	10/22/98	*			
15A NCAC 18A .2802	12:16 NCR 1482	12:19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2803	12:16 NCR 1482	12:19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2804	12:16 NCR 1482	12:19 NCR 1782	13-02 NCR 235	*	Object	10/22/98				
15A NCAC 18A .2805	12:16 NCR 1482				Object	11/19/98				
15A NCAC 18A .2806	12:16 NCR 1482				Approve	10/22/98	*			
15A NCAC 18A .2807	12:16 NCR 1482									
15A NCAC 18A .2808	12:16 NCR 1482		13-02 NCR 235	*	Object	10/22/98	*			
15A NCAC 18A .2809	12:16 NCR 1482				Approve	11/19/98				
15A NCAC 18A .2810	12:16 NCR 1482	12:19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2811	12:16 NCR 1482									
15A NCAC 18A .2812	12:16 NCR 1482	12:19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2813	12:16 NCR 1482	12:19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2814	12:16 NCR 1482									
15A NCAC 18A .2815	12:16 NCR 1482	12:19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2816	12:16 NCR 1482									
15A NCAC 18A .2817	12:16 NCR 1482		13-02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2818	12:16 NCR 1482									
15A NCAC 18A .2819	12:16 NCR 1482	12:19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2820	12:16 NCR 1482		13-02 NCR 235	*	Approve	10/22/98	*			

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15A NCAC 18A .2821	12 16 NCR 1482									
15A NCAC 18A .2822	12 16 NCR 1482	12 19 NCR 1782	13 02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2823	12 16 NCR 1482	12 19 NCR 1782	13 02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2824	12 16 NCR 1482		13 02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2825	12 16 NCR 1482		13 02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2826	12 16 NCR 1482									
15A NCAC 18A .2827	12 16 NCR 1482	12 19 NCR 1782	13 02 NCR 235	*	Object	10/22/98				
15A NCAC 18A .2828	12 16 NCR 1482		13 02 NCR 235	*	Approve	11/19/98	*			
15A NCAC 18A .2829	12 16 NCR 1482		13 02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2830	12 16 NCR 1482	12 19 NCR 1782	13 02 NCR 235	*	Approve	10/22/98				
15A NCAC 18A .2831	12 16 NCR 1482	12 19 NCR 1782	13 02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2832	12 16 NCR 1482		13 02 NCR 235	*	Approve	10/22/98	*			
15A NCAC 18A .2833	12 16 NCR 1482	12 19 NCR 1782	13 02 NCR 235	*	Object	10/22/98				
15A NCAC 18A .2834	12 16 NCR 1482	12 19 NCR 1782	13 02 NCR 235	*	Approve	11/19/98	*			
15A NCAC 18A .2835	12 16 NCR 1482									
15A NCAC 18A .2836	12 16 NCR 1482									
15A NCAC 18A .3101	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Object	07/23/98			13 10 NCR 817	
15A NCAC 18A .3102	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Approve	08/20/98	*			
15A NCAC 18A .3103	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Object	07/23/98			13 10 NCR 817	
15A NCAC 18A .3104	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Approve	08/20/98	*		13 09 NCR 779	
15A NCAC 18A .3105	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Approve	07/23/98	*		13 09 NCR 779	
15A NCAC 18A .3106	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Object	07/23/98			13 10 NCR 817	
15A NCAC 18A .3107	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Approve	08/20/98	*		13 09 NCR 779	
15A NCAC 18A .3108	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Approve	07/23/98	*		13 09 NCR 779	
15A NCAC 18A .3109	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Object	07/23/98			13 10 NCR 817	
15A NCAC 18A .3110	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Approve	08/20/98	*		13 10 NCR 817	
					Approve	07/23/98	*		13 09 NCR 779	

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15A NCAC 18A .3111	12 11 NCR 920	12 12 NCR 1064	12 20 NCR 1829	S	Approve	07/23/98			13 09 NCR 779	
15A NCAC 18C	13 04 NCR 356									
15A NCAC 19A .0101	12 02 NCR 52	12 02 NCR 88								
15A NCAC 21H .0110	12 20 NCR 1822		13 07 NCR 591	S						
15A NCAC 21H .0111	12 20 NCR 1822		13 07 NCR 591	S						
15A NCAC 21H .0113	12 20 NCR 1822		13 07 NCR 591	*						
15A NCAC 26C .0001	11 19 NCR 1408									
15A NCAC 26C .0002	11 19 NCR 1408									
15A NCAC 26C .0003	11 19 NCR 1408									
15A NCAC 26C .0004	11 19 NCR 1408									
15A NCAC 26C .0005	11 19 NCR 1408									
15A NCAC 26C .0006	11 19 NCR 1408									
15A NCAC 26C .0007	11 19 NCR 1408									
<b>Land Resources/Land Quality/Sedimentation Control Commission</b>										
15A NCAC 04B .0106	12 20 NCAC 1817		13 09 NCR 760	*						
15A NCAC 04B .0107	12 20 NCAC 1817		13 09 NCR 760	*						
15A NCAC 04B .0127	12 20 NCAC 1817		13 09 NCR 760	*						
15A NCAC 04C .0107	13 12 NCR 943									
<b>Marine Fisheries Commission</b>										
15A NCAC .03	11 11 NCR 881									
15A NCAC .03	11 20 NCR 1537									
15A NCAC .03	11 26 NCR 1985									
15A NCAC .03H .0103	12 23 NCR 2089									
15A NCAC .03I .0101	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98	*			
15A NCAC .03I .0103		13 08 NCR 739								
15A NCAC .03I .0107	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98	*			
15A NCAC .03I .0109	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC .03I .0202	11 07 NCR 407		11 11 NCR 888	*						
15A NCAC .03I .0102	11 07 NCR 407		11 11 NCR 888	*						

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15A NCAC 03M 0501		13 08 NCR 739								
15A NCAC 03M 0503	12 19 NCR 1762	12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98	*			
15A NCAC 03M 0507	12 23 NCR 2089	12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98	*			
15A NCAC 03M 0507	13 10 NCR 803									
15A NCAC 03M 0513	11 26 NCR 1976		12 05 NCR 418	*						
15A NCAC 03M 0515	12 23 NCR 2089		13 03 NCR 303	*						
15A NCAC 03O 0303		12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03O 0306		12 19 NCR 1780	13 03 NCR 303	*	Approve	11/19/98				
		12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0103	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0201	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0202	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0203	12 23 NCR 2089		13 03 NCR 303	*	Object	11/19/98	*			
15A NCAC 03P 0301	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0302	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0303	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0304	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03Q 0107	11 26 NCR 1985		13 13 NCR 1043	*	Approve	11/19/98				

## Parks and Recreation Commission

15A NCAC 12A 0001	12 13 NCR 1097
15A NCAC 12A 0004	12 13 NCR 1097
15A NCAC 12A 0005	12 13 NCR 1097
15A NCAC 12B 0101	12 13 NCR 1097
15A NCAC 12B 0104	12 13 NCR 1097
15A NCAC 12B 0106	12 13 NCR 1097
15A NCAC 12B 0203	12 13 NCR 1097
15A NCAC 12B 0401	12 13 NCR 1097
15A NCAC 12B 0402	12 13 NCR 1097
15A NCAC 12B 0501	12 13 NCR 1097

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15A NCAC 12B 0602	12 13 NCR 1097									
15A NCAC 12B 0701	12 13 NCR 1097									
15A NCAC 12B 0702	12 13 NCR 1097									
15A NCAC 12B 0802	12 13 NCR 1097									
15A NCAC 12B 1001	12 13 NCR 1097									
15A NCAC 12B 1004	12 13 NCR 1097									
15A NCAC 12B 1102	12 13 NCR 1097									
15A NCAC 12B 1201	12 13 NCR 1097									
<b>Radiation Protection</b>										
15A NCAC 11 0104	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0111	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0117	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0305	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0317	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0318	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 0321	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0323	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0339	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0353	12 22 NCR 1979		13 04 NCR 378	S	Approve	11/19/98				
15A NCAC 11 0359	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 0360	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0361	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 0362	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0502	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0503	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 0506	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0507	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0508	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0509	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				

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15A NCAC 11 .0510	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 .0511	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0512	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0513	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0515	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0516	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0517	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0520	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0521	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0522	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0523	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0524	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0525	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0702	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0703	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .1003	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .1100	12 04 NCR 240									
15A NCAC 11 .1400	12 04 NCR 240									
15A NCAC 11 .1633	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .1635	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 .1647	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .1653	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
<b>Soil &amp; Water Conservation</b>										
15A NCAC 061 .0105	12 20 NCR 1817		13 01 NCR 25	*	Approve	11/19/98	*			
15A NCAC 061 .0107	12 20 NCR 1817		13 08 NCR 688	*						
<b>Water Pollution Control System Operators Certification Commission</b>										
15A NCAC 08A .0101	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08A .0202	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08A .0301	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				

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No/Action by Agency

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15A NCAC 08A .0302	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08A .0303	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0101	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0102	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0103	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0104	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0105	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0106	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0108	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0109	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0201	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0202	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0203	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0204	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0205	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0207	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0208	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0209	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0210	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0211	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0212	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0213	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0214	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0301	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0302	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0303	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0304	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0402	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0404	11:26 NCR 1976		13:02 NCR 204	*	Approve	11/19/98				

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15A NCAC 08B 0405	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0406	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0502	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0506	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0102	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0104	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0105	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0106	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0107	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0108	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08D 0102	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08D 0104	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08D 0105	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08D 0106	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08E	11 26 NCR 1976									
15A NCAC 08F	11 26 NCR 1976									
15A NCAC 08G 0101	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0102	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0201	11 26 NCR 1976		13 02 NCR 204	S/L	Approve	11/19/98	*			
15A NCAC 08G 0202	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0203	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 0204	11 26 NCR 1976		13 02 NCR 204	S/L	Approve	11/19/98	*			
15A NCAC 08G 0205	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0301	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0302	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0303	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0304	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 0305	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 0306	11 26 NCR 1976		13 02 NCR 204	S/L	Approve	11/19/98	*			

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15A NCAC 08G .0307	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0308	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0401	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G .0402	11-26 NCR 1976		13-02 NCR 204	S/L	Object	11/19/98				
15A NCAC 08G .0403	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G .0404	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G .0405	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G .0406	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G .0407	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G .0408	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0409	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G .0501	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0502	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G .0503	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0504	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G .0505	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G .0601	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0602	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0603	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0604	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0701	11-26 NCR 1976		13-02 NCR 204	S/L	Approve	11/19/98	*			
15A NCAC 08G .0801	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G .0802	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G .0803	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G .0804	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G .0901	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G .0902	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G .1001	11-26 NCR 1976		13-02 NCR 204	*	Agency withdrew	11/19/98				
15A NCAC 08G .1002	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				

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15A NCAC 08G 1101	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 1102	11 26 NCR 1976		13 02 NCR 204	*	Agcy withdrew	11/19/98				
<b>Well Contractors Certification Commission</b>										
15A NCAC 27 0101	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0110	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0201	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0301	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0401	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0410	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0420	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0430	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0440	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0501	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0510	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0520	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0601	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0701	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0801	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0810	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0820	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0830	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0840	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0901	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0910	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0920	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0930	13 10 NCR 803	13 12 NCR 988								
<b>Wildlife Resources Commission</b>										
Public Notice - 15A NCAC 10B 0105										
15A NCAC 10B 0100	13 08 NCR 625									

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					Action	Date				
15A NCAC 10B 0105		13 07 NCR 595	13:12 NCR 948	*						
15A NCAC 10B 0113	13:08 NCR 625		13:12 NCR 948	*						13:04 NCR 353
15A NCAC 10B 0200	13:08 NCR 625									
15A NCAC 10B 0202	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B 0203	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B 0205	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B 0207	12:06 NCR 445	13 04 NCR 427	12:24 NCR 2205	*	Approve	09/17/98	*		13:11 NCR 912	
15A NCAC 10B 0209	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B 0212	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10B 0300	13:08 NCR 625									
15A NCAC 10B 0302	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C 0100	13:08 NCR 625									
15A NCAC 10C 0107	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C 0200	13:08 NCR 625									
15A NCAC 10C 0205	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C 0206	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C 0300	13:08 NCR 625									
15A NCAC 10C 0302	13:01 NCR 3	13 11 NCR 907	13:05 NCR 492	*						
15A NCAC 10C 0305	13:01 NCR 3	13 11 NCR 907	13:05 NCR 492	*						
15A NCAC 10C 0400	13:01 NCR 3		13:12 NCR 948	*						
15A NCAC 10C 0401	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10C 0404	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C 0405	13:01 NCR 3	13 11 NCR 907	13:05 NCR 492	*						
15A NCAC 10D 12:18 NCR 1694										
15A NCAC 10D 0102	13:08 NCR 625		13:12 NCR 948	*						
15A NCAC 10D 0103	12:18 NCR 1694		12:24 NCR 2205	*						
15A NCAC 10D 0103	13:08 NCR 625		13:12 NCR 948	*						

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					Action	Date				
15A NCAC 10F .0301	12 19 NCR 1763	12 24 NCR 2224	12 24 NCR 2224	*	Object	10/22/98				
15A NCAC 10F .0303	12 19 NCR 1763				Approve	11/19/98				
15A NCAC 10F .0303	N/A		N/A		Approve	05/21/98			13 02 NCR 249	
15A NCAC 10F .0305	12 10 NCR 865	12 16 NCR 1518	12 16 NCR 1518	*	Approve	07/23/98			13 09 NCR 779	
15A NCAC 10F .0310	12 19 NCR 1763	12 24 NCR 2224	12 24 NCR 2224	L						
15A NCAC 10F .0310	13 07 NCR 595		13 11 NCR 905	L						
15A NCAC 10F .0311	12 11 NCR 920	12 24 NCR 2224	12 17 NCR 1608	L	Approve	07/23/98			13 09 NCR 779	
15A NCAC 10F .0314	12 19 NCR 1763									
15A NCAC 10F .0317	12 11 NCR 920	12 24 NCR 2224	12 17 NCR 1608	L	Approve	07/23/98			13 09 NCR 779	
15A NCAC 10F .0317	13 08 NCR 625									
15A NCAC 10F .0318	12 06 NCR 445									
15A NCAC 10F .0321	13 13 NCR 1040									
15A NCAC 10F .0323	13 13 NCR 1040									
15A NCAC 10F .0327	12 11 NCR 920	12 24 NCR 2224	12 17 NCR 1608	L	Approve	07/23/98			13 09 NCR 779	
15A NCAC 10F .0330	13 03 NCR 269	13 07 NCR 595	13 07 NCR 595	S/I			*			
15A NCAC 10F .0330	13 11 NCR 855									
15A NCAC 10F .0339	13 13 NCR 1040									
15A NCAC 10F .0342	13 07 NCR 585		13 11 NCR 905	L						
15A NCAC 10F .0345		12 19 NCR 1781								
15A NCAC 10F .0347		12 19 NCR 1781								
15A NCAC 10F .0359	12 19 NCR 1763									
15A NCAC 10G .0404	12 06 NCR 445		12 12 NCR 1004	*	Extend Review	04/15/98				
					Object	06/18/98				
					Approve	07/23/98	*		13 09 NCR 779	

## FINAL DECISION LETTERS

Voting Rights Act

Voting Rights Act

Voting Rights Act

Voting Rights Act

13 02 NCR 173

13 04 NCR 354

13 07 NCR 583

13 09 NCR 756

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Voting Rights Act

Voting Rights Act

## GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0204 13.06 NCR 568 13.13 NCR 1048 \*

21 NCAC 12 .0503 11.28 NCR 2117

21 NCAC 12 .0504 11.28 NCR 2117

21 NCAC 12 .0504 13.13 NCR 1040

21 NCAC 12 .0902 11.28 NCR 2117

21 NCAC 12 .0905 11.28 NCR 2117

21 NCAC 12 .0906 11.28 NCR 2117

21 NCAC 12 .0907 11.28 NCR 2117

21 NCAC 12 .0908 11.28 NCR 2117

21 NCAC 12 .0909 11.28 NCR 2117

21 NCAC 12 .0910 11.28 NCR 2117

21 NCAC 12 .0911 11.28 NCR 2117

21 NCAC 12 .0912 11.28 NCR 2117

## GOVERNOR'S EXECUTIVE ORDERS

Number 136 - Eff. 06/05/98

Number 137 - Eff. 08/11/98

Number 138 - Eff. 08/25/98

Number 139 - Eff. 08/26/98

Number 140 - Eff. 09/29/98

## HEALTH AND HUMAN SERVICES

Aging

10 NCAC 22 10.23 NCR 2956

## Child Day Care Commission

10 NCAC 03U .0102 12.21 NCR 1873

10 NCAC 03U .0305 12.21 NCR 1873

13.06 NCR 539 \*  
13.06 NCR 539 \* Object 11/19/98

13.12 NCR 941  
13.13 NCR 1038

13.01 NCR 1  
13.06 NCR 535  
13.07 NCR 581  
13.07 NCR 581  
13.09 NCR 753

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10 NCAC 03U .0602	11 24 NCR 1817	12 08 NCR 710								
10 NCAC 03U .0604	11 24 NCR 1817	12 08 NCR 710								
10 NCAC 03U .0605	11 24 NCR 1817	12 08 NCR 710								
10 NCAC 03U .0705	11 14 NCR 1108		11 27 NCR 2054	*						
10 NCAC 03U .0705	11 24 NCR 1817	12 08 NCR 710								
10 NCAC 03U .1601	12 21 NCR 1873		13 06 NCR 539	*	Object	11/19/98				
10 NCAC 03U .1602	12 21 NCR 1873		13 06 NCR 539	*						
10 NCAC 03U .1606	12 21 NCR 1873		13 06 NCR 539	*						
10 NCAC 03U .1612	12 21 NCR 1873		13 06 NCR 539	*						
10 NCAC 03U .1701	12 21 NCR 1873		13 06 NCR 539	*						
10 NCAC 03U .2000	12 21 NCR 1873									
10 NCAC 03U .2500	12 21 NCR 1873									
10 NCAC 03U .2801	12 21 NCR 1873		13 06 NCR 539	S						
10 NCAC 03U .2802	12 21 NCR 1873		13 06 NCR 539	S						
10 NCAC 03U .2803	12 21 NCR 1873		13 06 NCR 539	S						
10 NCAC 03U .2804	12 21 NCR 1873		13 06 NCR 539	S						
10 NCAC 03U .2805	12 21 NCR 1873		13 06 NCR 539	S	Object	11/19/98				
10 NCAC 03U .2806	12 21 NCR 1873		13 06 NCR 539	S	Object	11/19/98				
10 NCAC 03U .2807	12 21 NCR 1873		13 06 NCR 539	S						
10 NCAC 03U .2808	12 21 NCR 1873		13 06 NCR 539	S						
10 NCAC 03U .2809	12 21 NCR 1873		13 06 NCR 539	S						
10 NCAC 03U .2810	12 21 NCR 1873		13 06 NCR 539	S	Object	11/19/98				
10 NCAC 03U .2811	12 21 NCR 1873		13 06 NCR 539	S						
10 NCAC 03U .2812	12 21 NCR 1873		13 06 NCR 539	S						
Facility Services										
Certificate of Public Advantage (COPA)										
Public Notice - Draft 1999 State Medical Facilities Plan										
Abbreviated Notice of Temporary Rule-Making										
10 NCAC 03R .0214	12 08 NCR 617		13 03 NCR 270	*	Approve	10/22/98				13 03 NCR 261
										13 02 NCR 171
										13 06 NCR 536

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10 NCAC 03R 3000	11 23 NCR 1780									
10 NCAC 03R 3001	10 23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R 3030	10 23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R 3032	10 23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R 3040	10 23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R 3050	10 23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R 3051		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 3053		11 22 NCR 1713								
10 NCAC 03R 3053		12 06 NCR 481								
10 NCAC 03R 3060		12 06 NCR 481								
10 NCAC 03R 3061		12 06 NCR 481								
10 NCAC 03R 3063		12 06 NCR 481								
10 NCAC 03R 3065		12 06 NCR 481								
10 NCAC 03R 3072		12 06 NCR 481								
10 NCAC 03R 6001	11 22 NCR 1704									
10 NCAC 03R 6101		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*			
10 NCAC 03R 6102		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98	*			
10 NCAC 03R 6103		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6104		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6105		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6106		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6107		12 15 NCR 1431	13:02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R 6108		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6109		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6110		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6111		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6112		12 15 NCR 1431	13:02 NCR 178	S/L/SE	<b>Object</b>	<b>10/22/98</b>				
10 NCAC 03R 6113		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6114		12 15 NCR 1431	13:02 NCR 178	*	Approve	10/22/98				

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10 NCAC 03R 6115		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6116		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6117		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6118		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6119		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6120		12 15 NCR 1431	13 02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R 6121		12 15 NCR 1431	13 02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R 6122		12 15 NCR 1431	13 02 NCR 178	S/L/SE	Approve	10/22/98	*			
10 NCAC 03R 6123		12 15 NCR 1431	13 02 NCR 178	S/L/SE	Approve	10/22/98	*			
10 NCAC 03R 6124		12 15 NCR 1431	13 02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R 6125		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6126		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6127		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6128		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6129		12 15 NCR 1431	13 02 NCR 178	S/L/SE	Approve	10/22/98				
10 NCAC 03R 6130		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6131		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98	*			
10 NCAC 03R 6132		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6133		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6134		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6135		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6136		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6137		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6138		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6139		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6140		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03R 6141		12 15 NCR 1431	13 02 NCR 178	*	Approve	10/22/98				
10 NCAC 03S	12 24 NCR 2194									

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15A NCAC 16A .0101	12-22 NCR 1979		13-02 NCR 234	*	Object	10/22/98				
15A NCAC 16A .0106	12-22 NCR 1979		13-02 NCR 234	*	Approve	11/19/98				
15A NCAC 16A .0108	12-22 NCR 1979		13-02 NCR 234	*	Approve	10/22/98				
15A NCAC 19A .0400	13-11 NCR 855				Approve	10/22/98				
15A NCAC 19A .0502	13-13 NCR 1059									
15A NCAC 19C .0206	12-15 NCR 1451		13-05 NCR 496	S	Approve	11/19/98				
15A NCAC 24A .0101	12-22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0102	12-22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0302	12-22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0402	12-22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0403	12-22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98				
15A NCAC 24A .0404	12-22 NCR 1979		13-02 NCR 244	*	Approve	10/22/98				
<b>Medical Assistance</b>										
10 NCAC 26B .0103	12-18 NCR 1694		13-01 NCR 5	*	Approve	10/22/98	*			
10 NCAC 26D .0110	12-06 NCR 444		12-21 NCR 1875	*						
10 NCAC 26H .0101	11-14 NCR 1108									
10 NCAC 26H .0102	11-14 NCR 1108									
10 NCAC 26H .0102	12-09 NCR 743	12-14 NCR 1341	12-18 NCR 1696	S/L/SE	Approve	07/23/98			13-09 NCR 779	
10 NCAC 26H .0211	12-09 NCR 743	12-14 NCR 1341	12-18 NCR 1696	S/L/SE	Approve	07/23/98			13-09 NCR 779	
10 NCAC 26H .0212		12-09 NCR 827 Temp Expired 7/31/98 12-13 NCR 733								
10 NCAC 26H .0213		11-26 NCR 1997								
10 NCAC 26H .0213		12-09 NCR 827								
10 NCAC 26H .0304		13-08 NCR 733								
10 NCAC 26H .0401	12-08 NCR 618	13-03 NCR 316	13-08 NCR 668	S/L						
10 NCAC 26H .0401		12-14 NCR 1341	12-21 NCR 1875	S/L	Approve	07/23/98				
10 NCAC 26H .0401		13-02 NCR 248	13-12 NCR 947	*						
10 NCAC 26H .0101	13-02 NCR 175		13-07 NCR 588	*						

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10 NCAC 26K 0106	12 05 NCR 337									
10 NCAC 26K 0106	12 06 NCR 444		12 21 NCR 1875	*						Ext Com. Period 13 05 NCR 435
10 NCAC 26M 0201	12 06 NCR 444		13 01 NCR 5	*						Ext Com. Period 13 05 NCR 435
10 NCAC 26M 0202	12 06 NCR 444		13 01 NCR 5	*						Ext Com. Period 13 05 NCR 435
10 NCAC 26M 0203	12 05 NCR 337			*						
10 NCAC 26M 0203	12 06 NCR 444		13 01 NCR 5	*						Extend Com. Period 13 05 NCR 435
10 NCAC 26M 0204	12 06 NCR 444		13 01 NCR 5	*						Extend Com. Period 13 05 NCR 435
10 NCAC 26M 0305	13 02 NCR 175		13 07 NCR 588	*						
10 NCAC 50A 0604	12 06 NCR 444		12 21 NCR 1875	*						
10 NCAC 50B 0202	12 06 NCR 444		12 21 NCR 1875	*						
10 NCAC 50B 0302	13 02 NCR 175		13 10 NCR 806	*						
10 NCAC 50B 0311	13 03 NCR 268									
10 NCAC 50B 0313	13 02 NCR 175		13 10 NCR 806	*						
<b>Medical Care Commission</b>										
10 NCAC 03D 1500	11 23 NCR 1779									
10 NCAC 03H 2210	N/A		N/A	N/A	Approve	09/17/98			13 11 NCR 912	
<b>Mental Health, Developmental Disabilities and Substance Abuse Services</b>										
10 NCAC 14G 0102		12 12 NCR 1060	12 19 NCR 1766	*	Object Approve	06/18/98 07/23/98	*		13 09 NCR 779	
10 NCAC 14V 0800	12 20 NCR 1820			*						
10 NCAC 14V 3800	12 20 NCR 1820			*						
10 NCAC 14V 4000	12 20 NCR 1820			*						
10 NCAC 14V 4301	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 4302	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 4303	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 4304	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 4305	12 19 NCR 1762		13 07 NCR 586	*						
10 NCAC 14V 4306	12 19 NCR 1762		13 07 NCR 586	*						

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10 NCAC 14V .5000	12.20 NCR 1820									
10 NCAC 45H .0201	N/A	N/A	N/A	N/A	Approve	08/20/98			13.10 NCR 817	
10 NCAC 45H .0205	11.19 NCR 1762	12.24 NCR 2223	13.05 NCR 487	*						
<b>Secretary of Health and Human Services</b>										
10 NCAC 14C .1151	12.20 NCR 1820		13.02 NCR 198	*						
10 NCAC 14V .7006		12.01 NCR 31	12.07 NCR 511	*						
10 NCAC 14V .7201	13.05 NCR 436		13.13 NCR 1042	*						
10 NCAC 14V .7202	13.05 NCR 436		13.13 NCR 1042	*						
10 NCAC 14V .7203	13.05 NCR 436		13.13 NCR 1042	*						
10 NCAC 14V .7204	13.05 NCR 436		13.13 NCR 1042	*						
10 NCAC 14V .7205	13.05 NCR 436		13.13 NCR 1042	*						
10 NCAC 21B .0117	12.17 NCR 1616		12.21 NCR 1875	S	Approve	07/23/98			13.09 NCR 779	
10 NCAC 49B .0315	12.18 NCR 1703		13.02 NCR 203	*	Approve	10/22/98	*			
<b>Social Services Commission</b>										
10 NCAC 24A .0508	12.12 NCR 993	12.13 NCR 1180	12.23 NCR 2090	*	Approve	10/22/98				
10 NCAC 29C .0103		13.06 NCR 566								
10 NCAC 30 .0207	12.11 NCR 919	12.14 NCR 1347	12.15 NCR 1420	*	Approve	05/21/98			13.02 NCR 249	
10 NCAC 41A .0107		12.11 NCR 938	12.15 NCR 1420	*	Object	05/21/98	*		13.09 NCR 779	
10 NCAC 41E .0401	12.11 NCR 919		13.05 NCR 438	*	Approve	07/23/98				
10 NCAC 41E .0403	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0404	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0405	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0406	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0501	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41E .0502	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41E .0503	12.11 NCR 919		13.11 NCR 857	*						

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10 NCAC 41E .0701	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0702	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0703	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0704	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41F .0707		12.11 NCR 938	13.11 NCR 857	S	Approve	05/21/98			13.02 NCR 249	
10 NCAC 41F .0813		12.11 NCR 938	12.15 NCR 1420	S	Approve	05/21/98			13.02 NCR 249	
10 NCAC 41G .0501	12.11 NCR 919		12.15 NCR 1420	*						
			13.05 NCR 438	*						
10 NCAC 41G .0502	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0504	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0505	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0506	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0507	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0508	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0509	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0510	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0511	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0512	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0513	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0601	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0602	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41G .0603	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						

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10 NCAC 41G 0604	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41G 0605	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41G 0606	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41G 0701	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41G 0702	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41G 0703	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41G 0704	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41G 0705	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41G 0706	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41G 0707	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41G 0708	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41G 0801	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41G 0802	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41G 0803	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41G 0804	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41G 0805	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41G 0806	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41G 0807	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41G 0808	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41G 0809	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41G 0902	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						

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10 NCAC 41G .1001	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1002	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1004	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1005	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1006	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1007	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1008	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1009	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1010	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1011	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1012	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1013	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1101	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1102	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1103	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1104	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1105	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1106	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1201	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1202	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41G .1203	12.11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						

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10 NCAC 41G 1204	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1205	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1206	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1207	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1208	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1301	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1302	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1303	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1304	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1305	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1306	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1307	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1308	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1309	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1402	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41H 0100	10 17 NCR 2228		10 21 NCR 2687	*						
10 NCAC 41H 0102	10 17 NCR 2228		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41R 0101	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41R 0102	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41R 0103	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41R 0104	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41R 0105	12 11 NCR 919		13 05 NCR 438	*						

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10 NCAC 41R 0106	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41R 0107	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41S 0101	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41S 0102	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41S 0201	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41S 0202	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41S 0203	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41S 0204	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41S 0301	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41S 0302	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41S 0303	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41S 0304	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41S 0305	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41S 0306	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41S 0307	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41S 0401	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41S 0402	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41S 0403	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41S 0404	12.11 NCR 919		13.11 NCR 857	*						
10 NCAC 41S 0405	12.11 NCR 919		13.05 NCR 438	*						
10 NCAC 41S 0406	12.11 NCR 919		13.11 NCR 857	*						
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10 NCAC 41S 0407	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0501	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0502	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0503	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0504	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0505	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0506	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0601	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0602	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0603	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0604	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0605	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0606	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0607	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0608	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0609	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0610	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0611	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0612	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41S 0613	12 11 NCR 919		13 11 NCR 857	*						
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10 NCAC 41S 0614	12 11 NCR 919		13 11 NCR 857	*						

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10 NCAC 41S .0615	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0701	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0702	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0703	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0704	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0705	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0706	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0707	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0708	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0709	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0710	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0711	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0712	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0713	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41T .0101	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41T .0102	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41T .0103	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41T .0104	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41T .0105	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41T .0106	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41T .0201	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41T .0202	12.11 NCR 919		13.05 NCR 438	*						

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10 NCAC 41T .0203	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41T .0204	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41T .0205	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41T .0206	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 42C .2301	12 22 NCR 1979		13 05 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 42C .3401		12 13 NCR 1180	13 02 NCR 200	*	Approve	11/19/98	*			
10 NCAC 42C .3403		12 13 NCR 1180	13 02 NCR 200	*	Approve	10/22/98				
10 NCAC 42C .3404		12 13 NCR 1180	13 02 NCR 200	*	Approve	10/22/98				
10 NCAC 42C .3601		12 13 NCR 1180	13 02 NCR 200	*	Approve	10/22/98				
10 NCAC 42E	13 07 NCR 585									
10 NCAC 42R .0201	12 11 NCR 919	12 13 NCR 1180	12 23 NCR 2090	S/L	Approve	10/22/98				
10 NCAC 42S	13 07 NCR 585									
10 NCAC 42Z	13 07 NCR 585									
10 NCAC 47A .0502		12 11 NCR 938	12 15 NCR 1420	*	Approve	05/21/98			13 02 NCR 249	
10 NCAC 47B .0102		12 11 NCR 938	12 15 NCR 1420	*	Object	05/21/98				
					Approve	06/18/98	*		13 03 NCR 334	
10 NCAC 47B .0303		12 11 NCR 938	12 15 NCR 1420	*	Approve	05/21/98			13 02 NCR 249	
10 NCAC 47B .0304		12 11 NCR 938	12 15 NCR 1420	*	Approve	05/21/98				
10 NCAC 47B .0305		12 11 NCR 938	12 15 NCR 1420	*	Approve	05/21/98	*		13 02 NCR 249	
10 NCAC 47B .0403		12 11 NCR 938	12 15 NCR 1420	*	Approve	05/21/98	*		13 02 NCR 249	
10 NCAC 49B .0608	12 20 NCR 1822	13 03 NCR 320	13 06 NCR 549	*	Approve	11/19/98	*			
Vocational Rehabilitation Services										
10 NCAC 20C .0125	12 24 NCR 2202		13 06 NCR 547	S	Approve	11/19/98	*			
10 NCAC 20C .0206	12 24 NCR 2202		13 06 NCR 547	S	Object	11/19/98				
INSURANCE										
11 NCAC .06	12 09 NCR 744									
11 NCAC 12	12 09 NCR 744									

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11 NCAC 12 .0840	13.01 NCR 2	13.03 NCR 323	13.08 NCR 673	*						
11 NCAC 12 .0841	13.01 NCR 2	13.03 NCR 323	13.08 NCR 673	*						
11 NCAC 12 .0842	13.01 NCR 2	13.03 NCR 323	13.08 NCR 673	*						
11 NCAC 12 .1003	13.01 NCR 2		13.05 NCR 489	*	Approve	11/19/98	*			
11 NCAC 12 .1025	13.01 NCR 2		13.05 NCR 489	*	Approve	11/19/98	*			
11 NCAC 12 .1026	13.01 NCR 2		13.05 NCR 489	*	Approve	11/19/98				
11 NCAC 12 .1212	13.01 NCR 2		13.05 NCR 489	*	Approve	11/19/98	*			
11 NCAC 13	12.09 NCR 744									
11 NCAC 14	12.09 NCR 744									
11 NCAC 15	12.09 NCR 744									
11 NCAC 16	12.09 NCR 744									
11 NCAC 17	12.09 NCR 744									
11 NCAC 20	12.09 NCR 744									
11 NCAC 21	12.09 NCR 744									
North Carolina Manufactured Housing Board										
11 NCAC 08 .0912	13.01 NCR 2		13.05 NCR 488	*	Object	11/19/98				
JUSTICE										
Alarm Systems Licensing Board										
12 NCAC 11	11.30 NCR 2300									
12 NCAC 11 .0204	12.12 NCR 993		12.20 NCR 1823	*	Approve	11/19/98	*			
12 NCAC 11 .0210	12.08 NCR 618		12.20 NCR 1823	*	Approve	11/19/98				
12 NCAC 11 .0501	11.30 NCR 2300		12.20 NCR 1823	*	Object	09/17/98				
12 NCAC 11 .0502	11.30 NCR 2300		12.20 NCR 1823	*	Agcy withdrew	10/22/98				
12 NCAC 11 .0503	11.30 NCR 2300		12.20 NCR 1823	*	Object	09/17/98	*		13.11 NCR 912	
12 NCAC 11 .0504	11.30 NCR 2300		12.20 NCR 1823	*	Approve	10/22/98				
12 NCAC 11 .0505	11.30 NCR 2300		12.20 NCR 1823	*	Object	09/17/98	*			
12 NCAC 11 .0506	11.30 NCR 2300		12.20 NCR 1823	*	Approve	10/22/98	*			13.11 NCR 912

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12 NCAC 11 0507	11 30 NCR 2300		12 20 NCR 1823	*	Approve	09/17/98			13 11 NCR 912	
<b>Criminal Justice Education and Training Standards Commission</b>										
12 NCAC 09A 0101	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09A 0103	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0101	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0205	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0209	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0210	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0210	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0211	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0211	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0212	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0212	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0213	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0213	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0214	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0214	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0215	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0218	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0219	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0220	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0221	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0222	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B 0226	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0227	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0232	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0233	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09B 0301	12 21 NCR 1873		13 01 NCR 6	*	Object	10/22/98	*			
					Object	11/19/98				

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12 NCAC 09B .0309	12.21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0310	12.21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0311	12.21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0404	12.21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0408	12.21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0409	12.21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0414	12.21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98				
12 NCAC 09B .0416	12.21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09B .0603					Object	10/22/98				
12 NCAC 09B .0603	N/A		N/A	N/A	Approve	11/19/98				
12 NCAC 09C .0308	12.21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*			
12 NCAC 09C .0601	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09E .0105	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09E .0106	N/A		N/A	N/A	Approve	10/22/98				
12 NCAC 09F .0107	N/A		N/A	N/A	Approve	10/22/98				
<b>Private Protective Services Board</b>										
12 NCAC 07D .0204	11.14 NCR 1108		12:08 NCR 622	*	Object	03/20/98	*		13.03 NCR 334	
12 NCAC 07D .1106	11.14 NCR 1108		12:08 NCR 622	*	Approve	06/18/98				
				*	Object	03/20/98	*			
12 NCAC 07D .1201	11.10 NCR 818		12:14 NCR 1263	*	Approve	06/18/98	*		13.03 NCR 334	
12 NCAC 07D .1202	11.10 NCR 818		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1301	11.16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1302	11.16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1303	11.16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1304	11.16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1305	11.16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1306	11.16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D .1307	11.16 NCR 1268		12:14 NCR 1263	*	Object	11/19/98				

Sheriffs' Education and Training Standards Commission

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12 NCAC 10B 0206	12-07 NCR 508	12-18 NCR 1703	12-18 NCR 1703	*	Approve	06/18/98			13-03 NCR 334	
12 NCAC 10B 1103	12-07 NCR 508	12-18 NCR 1703	12-08 NCR 624							
12 NCAC 10B 1104	12-07 NCR 508	12-18 NCR 1703	12-08 NCR 624							
<b>LABOR</b>										
<b>Boiler and Pressure Vessel Division</b>										
13 NCAC 13 0406	13-03 NCR 269		13-08 NCR 685	*						
13 NCAC 13 0409	13-03 NCR 269		13-08 NCR 685	*						
<b>Occupational Safety and Health</b>										
13 NCAC 07A 0900	11-11 NCR 881									
13 NCAC 07F	11-03 NCR 106									
13 NCAC 07F	13-02 NCR 176									
13 NCAC 07F 0201	11-03 NCR 106									
13 NCAC 07F 0301	11-03 NCR 106									
<b>Retaliatory Employment Discrimination</b>										
13 NCAC 19 0101	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0102	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0201	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0301	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0302	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0401	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0402	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0501	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0502	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0601	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0602	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0603	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0604	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0605	13-03 NCR 268		13-08 NCR 686	*						
13 NCAC 19 0701	13-03 NCR 268		13-08 NCR 686	*						

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13 NCAC 19 .0702 13 .03 NCR 268

13.08 NCR 686

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## Wage and Hour Division

13 NCAC 12 .0101 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0104 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0303 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0304 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0305 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0306 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0307 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0308 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0309 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0310 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0501 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0502 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0602 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0603 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0604 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0605 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0701 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0702 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0801 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0802 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0803 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0804 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0805 13 .03 NCR 268

13.08 NCR 676

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13 NCAC 12 .0806 13 .03 NCR 268

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13 NCAC 12 .0807 13 .03 NCR 268

13.08 NCR 676

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## LANDSCAPE ARCHITECTS, BOARD OF

21 NCAC 26 .0104

12.08 NCR 730

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21 NCAC 26 .0105		12-08 NCR 730								
21 NCAC 26 .0302		12-08 NCR 730								
21 NCAC 26 .0506		12-08 NCR 730								
21 NCAC 26 .0507		12-08 NCR 730								
21 NCAC 26 .0508		12-08 NCR 730								
21 NCAC 26 .0509		12-08 NCR 730								
<b>MEDICAL BOARD</b>										
21 NCAC 32	13-06 NCR 538									
21 NCAC 32B	11-18 NCR 1369									
21 NCAC 32B	12-04 NCR 245									
21 NCAC 32F .0103		11-18 NCR 1386 Temp Expired	12-04 NCR 294	*						
21 NCAC 32F .0103		12-14 NCR 1354	12-21 NCR 1881 13-08 NCR 709	*						
21 NCAC 3211 .0402		12-04 NCR 314		*						
21 NCAC 32M .0101	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0102	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0103	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0104	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0105	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0106	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0107	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0108	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0109	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0110	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0111	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0112	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32M .0115	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32O .0101	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0102	11-18 NCR 1369		13-08 NCR 709	*						

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21 NCAC 32S 0108	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32S 0109	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32S 0110	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32S 0111	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32S 0112	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32S 0113	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32S 0114	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32S 0115	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32S 0116	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32S 0117	11 18 NCR 1369		13 08 NCR 709	*						
21 NCAC 32S 0118	11 18 NCR 1369		13 08 NCR 709	*						
<b>MORTUARY SCIENCE, BOARD OF</b>										
21 NCAC 34A 0201		12 07 NCR 556								
21 NCAC 34C	12 09 NCR 745									
<b>MUNICIPAL INCORPORATIONS PETITION</b>										
<b>NURSING, BOARD OF</b>										
21 NCAC 36 0227	12 05 NCR 338		13 08 NCR 725	*						
<b>OPTICIANS, BOARD OF</b>										
21 NCAC 40 0108		12 07 NCR 557								
<b>PHARMACY, BOARD OF</b>										
21 NCAC 46 1317	13 01 NCR 3		13 06 NCR 559	*						
21 NCAC 46 1414	12 24 NCR 2203		13 06 NCR 559	*						
21 NCAC 46 1601	12 24 NCR 2203		13 04 NCR 419	*	Approve	11/19/98	*			
21 NCAC 46 1606	13 01 NCR 3		13 06 NCR 559	*						
21 NCAC 46 1608	12 24 NCR 2203									
21 NCAC 46 1609	12 24 NCR 2203									
21 NCAC 46 1612	12 24 NCR 2203		13 04 NCR 419	*	Object	11/19/98				
21 NCAC 46 1703	12 24 NCR 2203		13 04 NCR 419	*	Approve	11/19/98	*			

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21 NCAC 46 .1706	12-24 NCR 2203		13-04 NCR 419	*	Approve	11/19/98	*			
21 NCAC 46 1804	12-03 NCR 168		12-07 NCR 527	*						
			12-09 NCR 797	*	State Budget	03/20/98				
			13-02 NCR 246	SE						
21 NCAC 46 1809	12-24 NCR 2203		13-04 NCR 419	*	Approve	11/19/98	*			
21 NCAC 46 1814	13-01 NCR 3		13-06 NCR 559	*						
21 NCAC 46 1815		13-11 NCR 910								
21 NCAC 46 2103	12-03 NCR 168		12-07 NCR 527	*						
			12-09 NCR 797	*						
			12-07 NCR 527	*						
21 NCAC 46 2301	12-03 NCR 168		12-09 NCR 797	*						
			13-04 NCR 419	*	Approve	11/19/98	*			
21 NCAC 46 2304	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				
21 NCAC 46 2306	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				
21 NCAC 46 2502	12-24 NCR 2203		13-04 NCR 419	*						
21 NCAC 46 2506	12-24 NCR 2203		13-04 NCR 419	*						
21 NCAC 46 2604	12-24 NCR 2203		13-04 NCR 419	*	Approve	11/19/98				
21 NCAC 46 2609	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				
21 NCAC 46 2611	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				
<b>PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF</b>										
21 NCAC 50 .0106	12-07 NCR 509									
21 NCAC 50 .0202	12-07 NCR 509									
21 NCAC 50 .0506	12-07 NCR 509	12-07 NCR 557								
21 NCAC 50 1201	12-07 NCR 509									
21 NCAC 50 1205	12-07 NCR 509									
21 NCAC 50 .1206	12-07 NCR 509									
21 NCAC 50 1210	12-07 NCR 509									
21 NCAC 50 1212	12-07 NCR 509									
21 NCAC 50 1302	12-07 NCR 509									

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## PSYCHOLOGY BOARD

21 NCAC 54 1611	12 05 NCR 338		13 13 NCR 1050	*						
21 NCAC 54 1612	12 05 NCR 338									
21 NCAC 54 1613	12 05 NCR 338									
21 NCAC 54 2006	12 05 NCR 338									
21 NCAC 54 2010	12 05 NCR 338									
21 NCAC 54 2104	12 05 NCR 338		13 13 NCR 1050	*						
21 NCAC 54 2301	12 05 NCR 338									
21 NCAC 54 2302	12 05 NCR 338									
21 NCAC 54 2303	12 05 NCR 338									
21 NCAC 54 2304	12 05 NCR 338									
21 NCAC 54 2305	12 05 NCR 338									
21 NCAC 54 2306	12 05 NCR 338									
21 NCAC 54 2307	12 05 NCR 338									
21 NCAC 54 2308	12 05 NCR 338									
21 NCAC 54 2309	12 05 NCR 338									
21 NCAC 54 2310	12 05 NCR 338									
21 NCAC 54 2311	12 05 NCR 338									
21 NCAC 54 2312	12 05 NCR 338									
21 NCAC 54 2313	12 05 NCR 338									
21 NCAC 54 2314	12 05 NCR 338									
21 NCAC 54 2401	12 05 NCR 338									
21 NCAC 54 2402	12 05 NCR 338									
21 NCAC 54 2501	12 05 NCR 338									
21 NCAC 54 2502	12 05 NCR 338									
21 NCAC 54 2503	12 05 NCR 338									
21 NCAC 54 2504	12 05 NCR 338									
21 NCAC 54 2505	12 05 NCR 338									
21 NCAC 54 2601	12 05 NCR 338									

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21 NCAC 54 .2602	12.05 NCR 338									
21 NCAC 54 .2704	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2705	12.05 NCR 338									
21 NCAC 54 .2706	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2801	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2802	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2803	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2804	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2805	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2806	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2807	12.05 NCR 338		13.13 NCR 1050	*						
<b>PUBLIC EDUCATION</b>										
16 NCAC 06B .0108		13.13 NCR 1061								
16 NCAC 06C .0310		12.03 NCR 210	12.01 NCR 18	*						Temp Filed over obj
16 NCAC 06C .0502		12.09 NCR 834	12.19 NCR 1773	N/A	Approve	08/20/98			13.10 NCR 817	
16 NCAC 06D .0103		12.22 NCR 2010								
16 NCAC 06E .0105		12.05 NCR 433	12.19 NCR 1773	N/A	Approve	08/20/98	*		13.10 NCR 817	
16 NCAC 06E .0301		13.05 NCR 523								
16 NCAC 06G .0305			12.19 NCR 1773	N/A	Approve	08/20/98	*		13.10 NCR 817	
16 NCAC 06G .0310			12.19 NCR 1773	N/A	Approve	08/20/98	*		13.10 NCR 817	
16 NCAC 06G .0311		12.22 NCR 2010								
16 NCAC 06G .0501		12.12 NCR 1071	12.19 NCR 1773	N/A	Approve	08/20/98			13.10 NCR 817	
<b>REAL ESTATE COMMISSION</b>										
21 NCAC 58A .0101	N/A	N/A	N/A	N/A	Approve	08/20/98			13.10 NCR 817	
<b>REVENUE</b>										
17 NCAC 01C .0601	N/A		13.10 NCR 808	N/A						
17 NCAC 04B .0102	N/A		13.08 NCR 690	N/A						
17 NCAC 04B .0104	N/A		13.08 NCR 690	N/A						

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17 NC'AC' 04B 0105	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0106	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0107	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0301	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0302	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0306	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0308	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0309	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0310	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0311	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0312	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0403	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 0405	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 2902	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 4301	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04B 4302	N/A		13-08 NCR 690	N/A						
17 NC'AC' 04D 0204			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0303			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0305			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0401			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0402			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0501			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0505			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0506			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0508			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0610			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0901			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0902			13-05 NCR 496	S/SE						
17 NC'AC' 04D 0903			13-05 NCR 496	S/SE						

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17 NCAC 04D .0907			13.05 NCR 496	S/SE						
17 NCAC 04D .0908			13.05 NCR 496	S/SE						
17 NCAC 04D .1001			13.05 NCR 496	S/SE						
17 NCAC 04D .1003			13.05 NCR 496	S/SE						
17 NCAC 04E .0102	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0103	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0201	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0202	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0203	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0302	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0703	N/A		13.08 NCR 690	N/A						
17 NCAC 04F .0005	N/A		13.08 NCR 690	N/A						
17 NCAC 05B .0107	N/A		13.09 NCR 760	N/A						
17 NCAC 05B .1105	N/A		13.09 NCR 760	N/A						
17 NCAC 05B .1304	N/A	N/A	N/A	N/A	Approve	09/17/98			13.11 NCR 912	
17 NCAC 05C .0102			12.14 NCR 1285	*						
17 NCAC 05C .0703			12.14 NCR 1285	*						
17 NCAC 05C .0703	N/A		13.09 NCR 760	N/A						
17 NCAC 05C .2004	N/A		13.09 NCR 760	N/A						
17 NCAC 05C .2101	N/A		13.09 NCR 760	N/A						
17 NCAC 05C .2102	N/A		13.09 NCR 760	N/A						
17 NCAC 06B .0104	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .0105	N/A		13.08 NCR 694	N/A						
17 NCAC 06B .0110	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .0118	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .0606	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .3203	N/A		13.09 NCR 762	N/A						
17 NCAC 06B .3204			12.17 NCR 1610	*	Approve	06/18/98			13.03 NCR 334	
17 NCAC 06B .3206	N/A		13.09 NCR 762	N/A						

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					Action	Date				
17 NCAC 06B .3901	N/A		13 09 NCR 762	N/A						
17 NCAC 06B .3904	N/A		13 09 NCR 762	N/A						
17 NCAC 06B .4004	N/A		13 09 NCR 762	N/A						
17 NCAC 07B 0104	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 0124	N/A		13 08 NCR 695	N/A						
17 NCAC 07B 0125	N/A		13 08 NCR 695	N/A						
17 NCAC 07B .0206	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 1301	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 1303	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 1602	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 1905	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 2101	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 2802	N/A		13 10 NCR 809	N/A						
17 NCAC 07B 3301	N/A		13 10 NCR 809	N/A						
17 NCAC 07B .3302	N/A		13 10 NCR 809	N/A						
17 NCAC 07B .3702	N/A		13 10 NCR 809	N/A						
17 NCAC 07B .5401	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5402	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5403	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5404	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5405	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5406	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5408	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5409	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5410	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5411	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5412	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5414	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5415	N/A		13 06 NCR 552	N/A						

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					Action	Date				
17 NCAC 07B .5416	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5417	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5418	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5419	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5420	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5421	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5422	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5423	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5424	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5428	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5429	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5430	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5431	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5432	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5433	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5434	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5435	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5438	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5440	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5442	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5443	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5444	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5447	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5448	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5449	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5450	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5451	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5452	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5453	N/A		13-06 NCR 552	N/A						

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17 NCAC 07B .5454	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5455	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5456	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5457	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5458	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5460	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5461	N/A		13-06 NCR 552	N/A						
17 NCAC 07B .5463	N/A		13-06 NCR 552	N/A						
17 NCAC 09K .0601	N/A		13-08 NCR 695	N/A						
17 NCAC 09L .0302			12-17 NCR 1610	*	Approve	06/18/98			13-03 NCR 334	13-03 NCR 262
Fax Review Board										
<b>SECRETARY OF STATE</b>										
18 NCAC 06 .1802		12-07 NCR 534	12-14 NCR 1312	*						
18 NCAC 06 .1803		12-07 NCR 534	12-14 NCR 1312	*						
18 NCAC 10	13-09 NCR 759									
<b>SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS</b>										
21 NCAC 64 .0303	11-23 NCR 1780									
<b>STATE PERSONNEL COMMISSION</b>										
25 NCAC 01B .0354	13-05 NCR 436		13-09 NCR 773	*						
25 NCAC 01B .0437	13-05 NCR 436		13-09 NCR 773	*						
25 NCAC 01D .2516		11-13 NCR 1062 temp expired 12-09 NCR 835	11-19 NCR 1429	*						
25 NCAC 01D .2517										
25 NCAC 01H .0602	13-05 NCR 436		13-09 NCR 773	*						
25 NCAC 01H .0605	13-05 NCR 436		13-09 NCR 773	*						
25 NCAC 01H .0606	13-05 NCR 436		13-09 NCR 773	*						
25 NCAC 01J .0503	13-05 NCR 436		13-09 NCR 773	*						
25 NCAC 01J .0512	13-05 NCR 436		13-09 NCR 773	*						
25 NCAC 01J .0603	13-05 NCR 436		13-09 NCR 773	*						

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## SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD

21 NCAC 68 .0305	12.09 NCR 745	12.11 NCR 944	12.15 NCR 1426	S/L	Object Approve	04/15/98 05/21/98	*		13.02 NCR 249	
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## TRANSPORTATION

### Highways, Division of

19A NCAC 02D .0406	12.22 NCR 1980		13.05 NCR 501	*	Approve	11/19/98				
19A NCAC 02D .0415	12.18 NCR 1694		12.24 NCR 2219	*	Approve	09/17/98			13.11 NCR 912	
19A NCAC 02D .0415	13.08 NCR 626									
19A NCAC 02D .0816	12.19 NCR 1764		13.01 NCR 41	*	Object Approve	09/17/98 10/22/98	*		13.11 NCR 912	
19A NCAC 02E .0221	13.04 NCR 361		13.10 NCR 811	*						
19A NCAC 02E .0222	13.04 NCR 361		13.10 NCR 811	*						

### Motor Vehicles, Division of

19A NCAC 031 .0100	11.19 NCR 1413									
19A NCAC 031 .0200	11.19 NCR 1413									
19A NCAC 031 .0202	12.18 NCR 1695		12.24 NCR 2220	*	Approve	08/20/98	*		13.10 NCR 817	
19A NCAC 031 .0203	12.18 NCR 1695		12.24 NCR 2220	*	Approve	08/20/98	*		13.10 NCR 817	
19A NCAC 031 .0300	11.19 NCR 1413									
19A NCAC 031 .0400	11.19 NCR 1413									
19A NCAC 031 .0500	11.19 NCR 1413									
19A NCAC 031 .0501	12.18 NCR 1695		12.24 NCR 2220	*	Approve	08/20/98	*		13.10 NCR 817	
19A NCAC 031 .0502	12.18 NCR 1695		12.24 NCR 2220	*	Approve	08/20/98	*		13.10 NCR 817	
19A NCAC 031 .0503	12.18 NCR 1695		12.24 NCR 2220	*	Approve	08/20/98	*		13.10 NCR 817	
19A NCAC 031 .0600	11.19 NCR 1413									
19A NCAC 031 .0700	11.19 NCR 1413									
19A NCAC 031 .0800	11.19 NCR 1413									

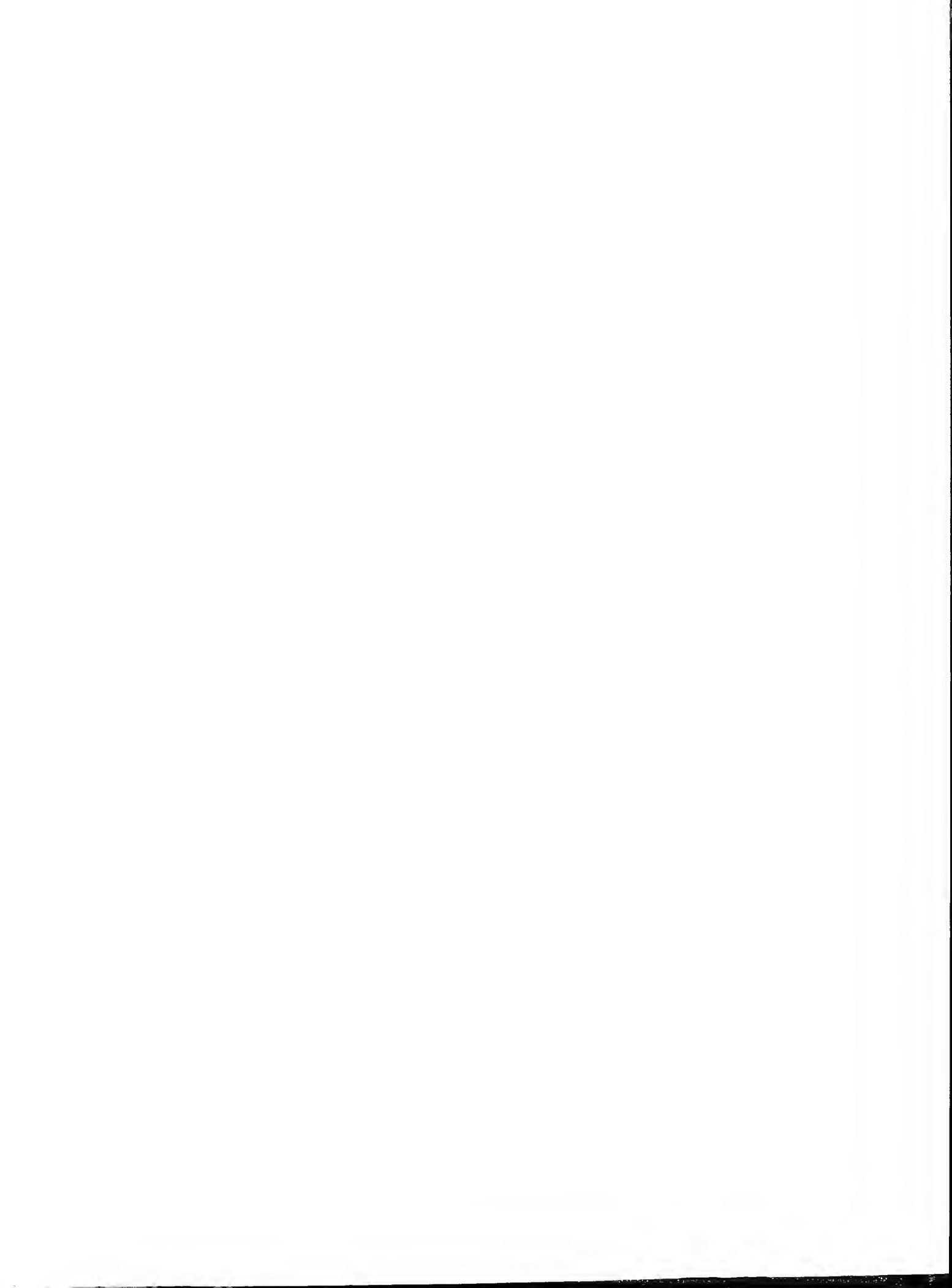
### Rail Division

19A NCAC 06B .0401	12.22 NCR 1981		13.06 NCR 557	*						
19A NCAC 06B .0404	12.22 NCR 1981		13.06 NCR 557	*						
19A NCAC 06B .0405	12.22 NCR 1981		13.06 NCR 557	*						

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19A NCAC 06B 0409	12 22 NCR 1981		13-06 NCR 557	*						
19A NCAC 06B 0410	12 22 NCR 1981		13-06 NCR 557	*						
19A NCAC 06B 0412	12 22 NCR 1981		13-06 NCR 557	*						
19A NCAC 06B 0413	12 22 NCR 1981		13-06 NCR 557	*						
19A NCAC 06B 0414	12 22 NCR 1981		13-06 NCR 557	*						
19A NCAC 06B 0417	12 22 NCR 1981		13-06 NCR 557	*						
19A NCAC 06B 0418	12 22 NCR 1981		13-06 NCR 557	*						
<b>VETERINARY MEDICAL BOARD</b>										
21 NCAC 66 0207	12 23 NCR 2089									
21 NCAC 66 0208	12 23 NCR 2089									



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